

SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS

District

COURT DEPARTMENT

Ayer

DIVISION

SEARCH WARRANT DOCKET NUMBER

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is PROBABLE CAUSE to believe that the property described below:

- Has been stolen, embezzled, or obtained by false pretenses.
- Is intended for use or has been used as the means of committing a crime.
- Has been concealed to prevent a crime from being discovered.
- Is unlawfully possessed or concealed for an unlawful purpose.
- Is evidence of a crime or is evidence of criminal activity.
- Other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

See Addendum A, attached and incorporated herein.

At:

See Addendum B, attached and incorporated herein.

Which is occupied by and/or in the possession of: currently secured by Pepperell Police

On the person or in the possession of:

You are are not also authorized to conduct the search at any time during the night.

You are are not also authorized to enter the premises without announcement.

You are are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Ayer

Division of the

District

Court Department.

Date Issued

6/25/20

Signature of Justice, Clerk, Magistrate or Assistant Clerk

X

First or Administrative Justice

WITNESS: Justice, Margaret Cozman

Printed name of Justice, Clerk-Magistrate or Assistant Clerk

Douglas W. Riddie

RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance, and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued G.L. c.276 §3A.

This search warrant was issued on June 25, 20 20, and I have executed it as follows:
DATE

The following is an inventory of the property taken pursuant to this search warrant:

1. Swabs of red brown stains from dining room floor. _____
2. One pair sneakers. _____
3. One pair socks. _____
4. Clothing with red brown stains. _____
5. One steak type knife. _____
6. Crime scene photographs and video of exterior and interior. _____
7. One .45 caliber spent shell casing. _____
8. One silver colored steel type keychain labeled "Supervisor" with assorted keys. _____
9. Assorted medical paperwork for Cristopher Shuttle. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____

26002-2 4011:47

(attach additional pages as necessary)

This inventory was made in the presence of: Sergeant Michael J. Cashman

I swear that this is a true and detailed account of all property taken by me on this search warrant

SIGNATURE OF PERSON MAKING SEARCH X <u><i>[Signature]</i></u>	DATE AND TIME OF SEARCH June 25, 2020 1830	SWORN AND SUBSCRIBED TO BEFORE X <u><i>[Signature]</i></u> <small>Signature of Justice, Clerk-Magistrate or Assistant Clerk</small>
PRINTED NAME OF PERSON MAKING SEARCH Michael J. Cashman	TITLE OF PERSON MAKING SEARCH Sergeant	DATE SWORN AND SUBSCRIBED TO 7-2-20

Addendum A – Evidence to be Searched & Seized

This warrant a warrant authorizes the SEARCH of 13 Tarbell Street in Pepperell, MA, more particularly described in Addendum B, and the SEIZURE of the following items:

- a. Any knife believed to be associated with the assault and battery;
- b. Any trace amounts of blood, skin, physiological fluids and secretions, hair, fibers, fingerprints, palmprints, footprints, shoeprints, and any items, fabrics, or objects that may contain traces of any of the above-mentioned fluids, materials, markings, or deposits which may have come from the struggle or conflict that resulted in the victims' injuries;
- c. Clothing reasonably believed to contain blood or other biological fluids, or other trace evidence on it; and
- d. Ballistics evidence, to include the shell casing, spent cartridge, and projectile associated with the discharged round of ammunition;
- e. Evidence, in paper or electronic form, evidencing the state of Christopher Shuttle's mental health; and
- f. Medications prescribed to Christopher Shuttle

Notes:

- This warrant authorizes members of the Massachusetts State Police crime Scene Services Section and/or the Mass. State Crime Lab to participate in the execution of this search warrant under the supervision of the Pepperell Police Department, the Massachusetts State Police, and/or the Middlesex District Attorney's Office
- This warrant authorizes law enforcement to document the execution of this warrant utilizing photography or video-recording equipment

Addendum B – Place to be Searched

Residence located at 13 Tarbell Street in Pepperell, MA, more particularly described as a white, two-story, wood-framed single-family residence. The portion of the residence facing Tarbell Road has five windows, three on the first floor and two on the second, as well as a yard enclosed by a picket fence. The residence can be accessed from an open farmer's porch abutting the driveway. There are two red exterior doors on the porch. The number 13 is affixed to a white column on the porch in block numbering and there is an eagle emblem on the front of the residence.



APPLICATION FOR SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS



District

COURT DEPARTMENT

Ayer

DIVISION

NAME OF APPLICANT

Michael J. Cashman

POSITION OF APPLICANT

Sergeant, Massachusetts State Police

SEARCH WARRANT DOCKET NUMBER

I, the undersigned **APPLICANT**, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 7 Pages, Which is (are) incorporated herein by reference.

2. Based upon this information, there is **PROBABLE CAUSE** to believe that the property described below:

Has been stolen, embezzled, or obtained by false pretenses.

Is intended for use or has been used as the means of committing a crime.

Has been concealed to prevent a crime from being discovered.

Is unlawfully possessed or concealed for an unlawful purpose.

Is evidence of a crime or is evidence of criminal activity.

Other (specify) _____

3. I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particular as possible):
See Addendum A, attached and incorporated herein.

4. Based upon this information, there is also probable cause to believe that the property may be found (check as many as apply):

At (identify the exact location or description of the place(s) to be searched):

See Addendum B, attached and incorporated herein.

Which is occupied by and/or in the possession of: _____

On the person or in the possession of (identify any specific person(s) to be searched):

On any person present who may be found to have such property in his or her possession or under his or her control or to whom such Property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and Person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, Together with such other and further relief that the court may deem proper.

I have previously submitted the same application.

I have not previously submitted the same application.

PRINTED NAME OF APPLICANT

Michael J. Cashman

SIGNED UNDER THE PENALTIES OF PERJURY

X Michael J. Cashman
Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk-Magistrate or Assistant Clerk

6/25/20

DATE

SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS

District

COURT DEPARTMENT

Ayer

DIVISION

SEARCH WARRANT DOCKET NUMBER

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- Has been stolen, embezzled, or obtained by false pretenses.
- Is intended for use or has been used as the means of committing a crime.
- Has been concealed to prevent a crime from being discovered.
- Is unlawfully possessed or concealed for an unlawful purpose.
- Is evidence of a crime or is evidence of criminal activity.
- Other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

See Addendum A, attached and incorporated herein.

At:
See Addendum B, attached and incorporated herein.

Which is occupied by and/or in the possession of: currently secured by Reppert Police

On the person or in the possession of:

You are are not also authorized to conduct the search at any time during the night.

You are are not also authorized to enter the premises without announcement.

You are are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Ayer

Division of the

District

Court Department.

Date Issued

6/25/20

Signature of Justice, Clerk, Magistrate or Assistant Clerk

X

First or Administrative Justice

WITNESS: Justice, Margaret Cozman

Printed name of Justice, Clerk-Magistrate or Assistant Clerk

Douglas W. Roope

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

TRIAL COURT OF MASSACHUSETTS
AYER DIVISION

AFFIDAVIT OF SERGEANT MICHAEL J. CASHMAN

I, Michael J. Cashman, being duly sworn, hereby depose and state as follows:

1. I am a Sergeant with the Massachusetts State Police. I have been a Trooper with the Massachusetts State Police since 2002 and was promoted to Sergeant in 2018. I am currently assigned to the Middlesex District Attorney's State Police Detective Unit within the State Police Division of Investigative Services. My duties in this specialized detective unit primarily include the investigation into unattended or suspicious deaths and/or homicides. I have been assigned to this unit since June 2012. Since being assigned to this unit, I have investigated over seventy five unattended or suspicious deaths and/or homicides. Prior to being assigned to this unit I was assigned to the Office of the Attorney General State Police Detective Unit, Enterprise and Major Crimes Division, since January 2007. My duties within the Office of the Attorney General included the investigation of organized street crime targeting various types of criminal organizations involved in crimes such as narcotic distribution and trafficking, street gang activity, commercial and bank burglary and human trafficking/prostitution related offenses. During investigations within these Division of Investigative Services assignments, I have investigated numerous unattended and suspicious death scenes and/or homicides, purchased controlled substances in an undercover capacity, managed and utilized confidential informants, conducted physical and electronic surveillance, participated in state and Federal Title III wiretaps and have been involved in numerous search warrant executions, arrests and seizures of evidence.
2. Since being assigned to the two aforementioned Massachusetts State Police detective units within the Division of Investigative Services, I have worked with and have been trained by other Massachusetts State Police officers who are more experienced in the field of criminal investigations. I have received numerous investigative trainings in death investigations, narcotics and other types of investigations including a two week narcotics investigation certification course instructed by the United States Drug Enforcement Administration, a one week death investigations certification course at the Delaware State Police, a one week death investigations certificate course at the New Jersey State Police and a one week death investigations certification course at the New York State Police. I have also completed numerous additional trainings in the field of criminal investigations from other state and federal law enforcement agencies.

3. As a result of my training and experience, I have made in excess of two hundred arrests for various violations of criminal laws. In the course of these investigations I have had the opportunity to testify as a witness before grand juries and in district and superior courts throughout the Commonwealth of Massachusetts. I have also authored, applied for and received court authorization for over fifty search warrants for persons, residences, businesses, business records, one party consent orders ("Blood warrants"), court orders specifically authorizing your affiant to install and monitor global positioning systems in motor vehicles ("GPS warrants") and state wiretaps orders in various Superior Courts throughout the Commonwealth. Throughout my career with the Massachusetts State Police, I have conducted and/or participated in the investigation of all types of crime including murder, rape, larceny, credit card fraud, breaking and entering, assault, burglary, assault and battery, fugitive from justice violations, firearm violations, narcotics trafficking and distribution, identify theft, and motor vehicle homicide.

4. Based on the information set forth below, I submit that there is probable cause to believe that the crimes of Assault and Battery on a Police Officer (G.L. c. 265, § 13D) and Assault and Battery By Means Of A Dangerous Weapon (G.L. c. 265, § 15A) have occurred, and that evidence of these crimes will be found within the residence located at 13 Tarbell Street in Pepperell, MA, depicted below and more particularly described in **Addendum B**, attached and incorporated herein.



5. The information set forth in this affidavit is based on police interviews of persons involved, my training and experience, and the collective knowledge of the officers related to this investigation. However, because this affidavit is for the limited purpose of establishing probable cause for the issuance of a warrant, it does not recite every fact I, or others, have learned during the investigation.

Basis of Probable Cause

6. On Thursday June 25, 2020 at approximately 1113 hours Pepperell Police Dispatcher Rebecca Bornaman received a FAX from Ayer DC regarding a warrant of apprehension pursuant to G.L. c. 123, § 12, from Ayer District Court for Christopher Shuttle (DOB [REDACTED] 1989) of 13 Tarbell Street in Pepperell. Chief David Scott reviewed the court order and called Sergeant Nicholas Parker to the station. According to the paperwork associated with the order, Shuttle began talking strangely and exhibiting paranoia on June 23. Then, on June 24, he made statements to the effect that he was "all done with cops that he is the God of destruction and people are gonna have to get hurt. It's either peace or war."
7. Sergeant Parker reviewed the document and proceeded to 13 Tarbell Street with Officer Justin Zink to serve the Section 12 and bring Shuttle to the court. Sergeant Parker and Officer Zink arrived at 13 Tarbell Street at approximately 1139 hours. Upon arrival Shuttle's mother, [REDACTED] Shuttle (DOB [REDACTED] 1958), opened the door. According to Ms. Shuttle, just prior to doing so Christopher stated, "Don't open the door."
8. Shuttle then told his mother "Don't let them in there's going to be a fight", before slamming the door in the officers' faces. Ms. Shuttle then re-opened the door while Christopher walked into a living room at the front of the house. Ms. Shuttle allowed the officers in the door, then took her two dogs and waked out the back door into the yard. Ms. Shuttle observed Christopher walking towards the officers in the front living room before she walked out the back door.
9. Once inside Sergeant Parker and Officer Zink were confronted by Christopher Shuttle in the living room in the front of the house. Shuttle had a knife and held it over his head in a threatening manner to the officers. Sergeant Parker grabbed Shuttle's arm and began to struggle over the knife. Officer Zink then fired one round from his service-issued Glock model 21 .45 caliber handgun. Officer Zink immediately called over the radio advising there were shots fired and that he needed medical services at the scene.
10. Shuttle was transported to Lowell General Hospital with a gunshot wound to the torso. Shuttle was then Med Flighted to Brigham and Women's Hospital in Boston where he was listed in stable condition and expected to survive. According to doctors and nurses at Brigham and Women's Hospital, it appears the projectile entered the right side of Shuttle's back and is currently lodged in the left side of his back.

11. Officers attempted to speak with Shuttle after reciting his Miranda Rights, but Shuttle declined to speak.
12. Based on my experience and training, I know that crimes of violence often involve a struggle and/or the element of unpredictability. I have also learned that the person or persons participating in the commission of a violent offense are often in contact with the physical surroundings in a forceful or otherwise detectable manner. When they do so, those persons naturally transfer forensic evidence to and from other surfaces that they come in contact with, including their clothing. In addition, in crimes of violence there is often an attempt to alter, destroy, remove, clean up, or cover up evidence of a crime, but traces are often left in the form of blood, skin, physiological fluids and secretions, hair, fibers, fingerprints, palmprints, footprints, shoeprints, and items containing traces of any of the above-mentioned articles. Through forensic analysis, these fibers, materials and other trace elements can be used as an aid to determine the identity of the perpetrator and the circumstances of the crime itself. Many of the above items are minute and/or microscopic, thus requiring additional specialized examination by forensic laboratory techniques. Search for such evidence requires a systematic search to locate, seize, record, photograph, and process.

Request to Search & Seize Evidence


13. Based on the foregoing, there is probable cause to believe that the crimes of Assault and Battery on a Police Officer (G.L. c. 265, § 13D) and Assault and Battery By Means Of A Dangerous Weapon (G.L. c. 265, § 15A) have occurred, and evidence of these crimes will be found within the residence located at 13 Tarbell Street in Pepperell, MA. I therefore request permission to SEARCH the residence and to SEIZE any evidence of the above-referenced crimes, specifically:
 - a. Any knife believed to be associated with the assault and battery;
 - b. Any trace amounts of blood, skin, physiological fluids and secretions, hair, fibers, fingerprints, palmprints, footprints, shoeprints, and any items, fabrics, or objects that may contain traces of any of the above-mentioned fluids, materials, markings, or deposits which may have come from the struggle or conflict that resulted in the victims' injuries;
 - c. Clothing reasonably believed to contain blood or other biological fluids, or other trace evidence on it; and
 - d. Ballistics evidence, to include the shell casing, spent cartridge, and projectile associated with the discharged round of ammunition;
 - e. Evidence, in paper or electronic form, evidencing the state of Christopher Shuttle's mental health; and

f. Medications prescribed to Christopher Shuttle

[See Addendum A, attached and incorporated herein]

14. I further request permission to document the execution of this warrant utilizing photography or video-recording equipment.
15. Because much of the evidence sought by this Search Warrant is forensic, minute, and/or microscopic, additional specialized examination by forensic laboratory techniques is required. Hence, the assistance of individuals with the proper equipment, technology and expertise in searching for such material will be extremely valuable in accomplishing this task. Therefore, I believe that the assistance of member(s) of the Massachusetts State Police Crime Scene Services Section with expertise in executing such searches, will materially aid me in properly and adequately obtaining and analyzing such evidence. I therefore request authorization for member(s) of the Massachusetts State Police Crime Scene Services Section to participate in the search described above.

Signed under the pains and penalties of perjury this 25th day of June 2020.



Sergeant Michael J. Cashman,
Massachusetts State Police

Then personally appeared before me this 25th day of June 2020 and made oath that the foregoing affidavit by him is subscribed ~~true~~ under the pains and penalties of perjury.



Justice/Clerk/Assistant Clerk

Addendum A – Evidence to be Searched & Seized

This warrant a warrant authorizes the SEARCH of 13 Tarbell Street in Pepperell, MA, more particularly described in Addendum B, and the SEIZURE of the following items:

- a. Any knife believed to be associated with the assault and battery;
- b. Any trace amounts of blood, skin, physiological fluids and secretions, hair, fibers, fingerprints, palmprints, footprints, shoeprints, and any items, fabrics, or objects that may contain traces of any of the above-mentioned fluids, materials, markings, or deposits which may have come from the struggle or conflict that resulted in the victims' injuries;
- c. Clothing reasonably believed to contain blood or other biological fluids, or other trace evidence on it; and
- d. Ballistics evidence, to include the shell casing, spent cartridge, and projectile associated with the discharged round of ammunition;
- e. Evidence, in paper or electronic form, evidencing the state of Christopher Shuttle's mental health; and
- f. Medications prescribed to Christopher Shuttle

Notes:

- This warrant authorizes members of the Massachusetts State Police crime Scene Services Section and/or the Mass. State Crime Lab to participate in the execution of this search warrant under the supervision of the Pepperell Police Department, the Massachusetts State Police, and/or the Middlesex District Attorney's Office
- This warrant authorizes law enforcement to document the execution of this warrant utilizing photography or video-recording equipment

Addendum B – Place to be Searched

Residence located at 13 Tarbell Street in Pepperell, MA, more particularly described as a white, two-story, wood-framed single-family residence. The portion of the residence facing Tarbell Road has five windows, three on the first floor and two on the second, as well as a yard enclosed by a picket fence. The residence can be accessed from an open farmer's porch abutting the driveway. There are two red exterior doors on the porch. The number 13 is affixed to a white column on the porch in block numbering and there is an eagle emblem on the front of the residence.

