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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT

\*\*\*\*\*  
IN RE: INQUEST INTO THE DEATH \*  
OF BRENDAN REILLY \* 2227IN000001  
\*\*\*\*\*

RE: INQUEST  
**(ENTIRE TRANSCRIPT IMPOUNDED)**  
DAY 5  
BEFORE THE HONORABLE MICHAEL D. BRENNAN

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(Appearances continued on page 2.)

Concord, Massachusetts  
Courtroom 2  
March 16, 2023

Court Transcriber: Lisa Marie Phipps, Certified Shorthand  
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IMPOUNDED TRANSCRIPT

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1 P R O C E E D I N G S

2 (Court called to order.)

3 (9:08 a.m.)

4 THE OFFICER: Court.

5 All rise.

6 Court's back in session.

7 You may be seated.

8 THE COURT: Good morning, everybody.

9 MR. VAN EPPS: Good morning, Judge.

10 MR. MCDONALD: Good morning, your Honor.

11 THE CLERK: We are -- we are here  
12 today on March 16, 2023, to call the Docket  
13 No. 2227IN001, an Inquest into the Death of  
14 Brendan Reilly.

15 THE COURT: All right. We are in the  
16 impounded portion --

17 THE CLERK: We are impounded, your Honor.

18 THE COURT: -- for the record, correct?

19 Thank you.

20 All right. Commonwealth ready?

21 MR. VAN EPPS: Yes, your Honor.

22 Just a preview of what we're going to do  
23 today. I've recalled Dr. Capo Martinez.

24 THE COURT: Okay.

25 MR. VAN EPPS: As we had discussed

1 previously, there is a gentlemen from the State  
2 Police lab, whose name is on the toxicology  
3 report, to talk a little bit about how that  
4 works.

5 I have available by Zoom the -- a  
6 representative from the private contractor that  
7 did the NMS tox screen that --

8 THE COURT: Mm-hmm.

9 MR. VAN EPPS: -- that the State Police  
10 sent out.

11 THE COURT: Is there really a question as  
12 to --

13 MR. VAN EPPS: No. I -- I mean, I didn't  
14 want to be in a position where we decided we  
15 needed her and we didn't have her --

16 THE COURT: Okay.

17 MR. VAN EPPS: -- so she's available, but  
18 I think she's largely in the accumulative.

19 I expect Dr. Myers from --

20 THE COURT: Bridgewater?

21 MR. VAN EPPS: -- Bridgewater State  
22 Hospital to come.

23 THE COURT: Live or by Memorex?

24 MR. VAN EPPS: Live.

25 THE COURT: Okay.

1 MR. VAN EPPS: And -- and just to talk a  
2 little bit about some of the course questions  
3 about how cocaine might interact with either  
4 prescriptions or the mental component.

5 THE COURT: Okay.

6 MR. VAN EPPS: Just -- just based on --

7 THE COURT: Yep.

8 MR. VAN EPPS: -- general.

9 THE COURT: I'm pretty familiar with  
10 Dr. Myers.

11 MR. VAN EPPS: Okay. He, obviously, has  
12 not reviewed Mr. Reilly's --

13 THE COURT: Understood.

14 MR. VAN EPPS: -- medical history, but  
15 it's -- it's generalities.

16 And then, after that, I think we'll  
17 probably put some more exhibits in and then call  
18 some of the officers.

19 THE COURT: All right. And just with  
20 respect to that, just to remind everybody -- and  
21 I know everybody knows this -- but if we can  
22 confine most of our questioning to things that  
23 would be important to me versus important to  
24 whatever agendas people may have.

25 I think that will make the day go faster.

1 MR. VAN EPPS: So I would recall Dr. Capo  
2 Martinez.

3 THE COURT: Okay.

4 THE COURT OFFICER: I'm sorry, what was  
5 that name?

6 MR. VAN EPPS: Capo Martinez. She should  
7 be right outside on the bench.

8 THE CLERK: Please raise your right hand.

9 Do you swear and affirm the testimony you  
10 give today is the truth and nothing but the  
11 truth?

12 THE WITNESS: I swear.

13 MARIA DEL MAR CAPO MARTINEZ, SWORN

14 BY MR. VAN EPPS:

15 Q. Doctor, good morning, again.

16 A. Good morning.

17 Q. Thank you for coming back.

18 I just had a couple follow-up questions,  
19 and the Court may have a couple follow-up  
20 questions as well.

21 When you testified originally -- and in  
22 your report you describe the wounds having some  
23 kind of downward path.

24 A. Yes.

25 Q. So what I want to do is just go through each



1 of the four wounds and just try to elaborate on  
2 that a little bit; get a little more detail.

3 A. Do you mind if I have my report with me?

4 Q. No, I -- I can give it to you.

5 A. Okay.

6 Q. We have a file here.

7 A. Okay.

8 (Discussion off the record.)

9 THE WITNESS: I have a copy.

10 THE COURT: So it's Exhibit 19.

11 THE WITNESS: I --

12 THE COURT: It's Exhibit 19 --

13 THE WITNESS: I actually have a copy.

14 THE COURT: -- if that helps.

15 MR. VAN EPPS: Oh, you -- you have a  
16 copy?

17 THE WITNESS: Yeah, I have a copy.

18 MR. VAN EPPS: Oh, perfect. Okay.

19 THE COURT: You can --

20 THE WITNESS: If I can use mine.

21 THE COURT: You can use that.

22 THE WITNESS: I usually bring one, just  
23 in case.

24 THE COURT: We just got started. You  
25 didn't miss anything.

1 BY MR. VAN EPPS:

2 Q. And does that also have your diagrams, too?

3 A. I have my diagrams, and I have my toxicology  
4 report.

5 Q. Okay.

6 A. I'll just keep those.

7 Q. I'll -- I'll wait until you're --

8 A. Okay.

9 Q. -- ready.

10 So Gunshot Wound No. 1.

11 And, again, that's just the number they  
12 are identified by.

13 That's not necessarily the order in which  
14 they were inflicted?

15 Gunshot Wound No. 1, you describe having,  
16 I believe, a bit of a -- a downward trajectory.

17 Can you describe in greater detail where  
18 the -- the -- the projectile went and where it  
19 was recovered, and give us a sense of how  
20 downward or not that was?

21 A. So Gunshot Wound No. 1 -- it's on the right  
22 side of the chest.

23 I actually give very specific measurements  
24 in terms of where it's located from the top of  
25 the head, and to the -- which side of the

1 midline.

2 So this one's on the right side about  
3 28 centimeters below the top of the head.

4 And the trajectory of this one, it  
5 injures the right pectoralis muscle, which is a  
6 muscle in your upper chest.

7 Q. Mm-hmm.

8 A. Then it goes through the second right rib  
9 with fractures of the rib; mediastinal soft  
10 tissues, which is the tissues in the center of  
11 the chest.

12 Then there's associated hemorrhage. It  
13 goes through the pericardium, which is the sac  
14 that -- the member and the sac that contains the  
15 heart.

16 The hilum of the left lung. The hilum is  
17 where major vessels and airway go through.

18 Then it perforates the left upper lobe of  
19 the lung, as well as the left lower lobe of the  
20 lung.

21 And it goes through the posterior fifth  
22 intercostal space which is below you're fifth rib  
23 on the left side.

24 And -- and then through the left scapula,  
25 which is your -- I don't know --

1 THE COURT: Shoulder blade.

2 A. Your shoulder blade, yeah.

3 Then it's recovered from the -- just the  
4 musculature in the -- in the back.

5 Q. So -- so it --

6 A. So --

7 Q. So that projectile is ultimately recovered  
8 near the scapula, or -- or -- or...

9 A. Yes. On the left side.

10 Q. Okay.

11 A. So it goes right -- the bullet would go right  
12 to left, and slightly front to back --

13 Q. Mm-hmm.

14 A. -- and it is slightly downward.

15 I don't think I did a -- we don't normally  
16 measure where the bullet ends.

17 Q. Mm-hmm.

18 A. But just knowing it's the fifth intercostal  
19 versus the pectoral muscle, you can tell that  
20 it's a downward trajectory.

21 And, obviously, I'm seeing that as well,  
22 like, when I'm seeing physically the body. So  
23 that's where that description comes from.

24 Q. All right. So if the -- if the wound -- if  
25 the projectiles enters up here in the, you know,

1 the -- the upper chest and it's recovered --

2 A. It can --

3 Q. -- across the body on the other side but --

4 A. It --

5 Q. -- on the -- on the side.

6 A. It enters -- let's say it enters here and  
7 finishes around this area.

8 Q. Okay.

9 A. So it's slightly downward; slightly front to  
10 back, because it's not front to back, it's at  
11 an -- it's at an a angle, right?

12 Q. I want to skip ahead to the wound that you  
13 describe as Wound 3 in your report.

14 Again, that's just the -- the number that  
15 the wound is assigned.

16 Can you tell us about how that one  
17 proceeds?

18 And -- and give us an idea of how  
19 downward or not -- you know, whether it's  
20 slightly downward, steeply downward, whatever,  
21 that that projectile proceeded through the body.

22 A. So Wound No. 3 is just below the belly  
23 button. And this one is actually right at the  
24 midline. So it's right at the center of the  
25 body.

1           There's a -- what we call a dermal bevel  
2 on the entrance, which usually corresponds to the  
3 bullet entering the body at an angled position.  
4 It could be because of the angle of the body, the  
5 position of the shooter, or both.

6           And you can also see that with the  
7 abrasion that's around the wound.

8           This one goes into the subcutaneous soft  
9 tissues and the belt -- the abdominal fat, and  
10 then it goes through the tissues in the hip area.

11          And it -- it's recovered from those,  
12 like, soft tissues in the hip area.

13          The trajectory, again, it's from right to  
14 left, which is -- I believe all the projectiles  
15 are sort of in a right-to-left trajectory and is  
16 slightly downward and slightly backward.

17          I didn't say "slightly downward" in  
18 this -- in this, but you can actually -- again,  
19 if this is my belly button, if the projectile's  
20 coming right here, it's ending at -- I'll just  
21 stand up -- if my belly button is right here and  
22 the projectile is ending here, it's a slightly  
23 downward trajectory.

24 Q.   Okay.   Okay.   Now, can you compare the damage  
25 trajectory of those to the -- the one -- what's

1 described as Wound No. 2 in your report?

2 A. So Wound No. 2, the angle is slightly  
3 different. So Wound No. 2 is the -- in the  
4 interior upper chest.

5 It's a little bit right to the midline,  
6 just slightly.

7 And the -- this -- this one actually does  
8 have a very -- it -- again, it goes right to left  
9 and a little bit front to back. But this one's  
10 more angled downward.

11 And even if I don't give you measurements,  
12 you can know this just because of the damage it  
13 does or the trajectory it follows, and the organs  
14 it damages.

15 It goes from the chest and injuries to  
16 the ascending aorta, which is located, like, at  
17 your upper chest area, down to the pericolic  
18 and descending colon area, which is about down  
19 here.

20 So it's obviously -- it is downward, but  
21 it's not slightly downward. It's steeply  
22 downward.

23 Q. When that bone -- when that -- excuse me,  
24 when that projectile entered the body, did it  
25 strike any bones?

1 A. This one did fracture the rib, the -- the  
2 interior second right rib.

3 So about here it fractures the rib and  
4 it's close to the sternum, so it also fractured  
5 the sternum.

6 So, yes, it hit bone.

7 Q. Okay. Could -- could that projectile  
8 striking the bone cause it to change direction,  
9 or change trajectory?

10 A. Yes. Projectiles, depending on what they  
11 strike, can change direction, because, as they  
12 move, they can start to tumble as they lose  
13 momentum.

14 Q. Okay.

15 A. So, yes, that could explain the -- the  
16 steeply downward trajectory of the projectile.

17 Q. It -- especially where it -- there's other  
18 evidence that all the projectiles came from one  
19 gun, it would -- is that correct?

20 A. Yes.

21 Q. Okay. Now, tell me about Wound No. 4, in  
22 terms of whether there's a -- a -- a downward  
23 movement or not. As that projectile goes into  
24 the body.

25 A. So Wound No. 4 has a shorter path in the body



1 as compared to the other one's.

2 This is because of, when it goes in, it  
3 immediately stops at a bone.

4 Q. Mm-hmm.

5 A. So this particular wound is on the lateral  
6 portion of the -- of the right leg. So it's  
7 going to be on this portion of the leg.

8 And once it goes into the body, it  
9 immediately comes to rest on the femur head.

10 So -- I mean, your femur is your long  
11 bone, and it has a -- a -- sort of like a ball  
12 and socket kind of, configuration inside the  
13 body.

14 And that's -- I mean, you don't have a  
15 lot of space. If you -- if you even touch your  
16 own hip, you can feel where that bone sort of  
17 hinges on your hip.

18 So, really, if it strikes the side of  
19 your leg, you really only have so much --

20 Q. So it's not like it didn't travel very --

21 A. It --

22 Q. -- far to -- to really determine --

23 A. It's not --

24 Q. -- much of the wave?

25 A. It's not a -- a long trajectory. I did say

1 that it was right to left and -- and downward.  
2 So it must have a downward trajectory.

3           Unfortunately, like I said, we don't  
4 normally necessarily measure the -- the -- where  
5 the bullet comes to rest unless there's an exit  
6 wound.

7           Then we measure the exit wound, compare it  
8 to, like, the top of the head. So you can  
9 actually, like, really measure -- measure that --  
10 that difference.

11 Q. And do you normally, you know, use tools or  
12 put tools into the body to measure the depth of a  
13 wound?

14 A. We don't do it on gunshot wounds. It's not  
15 as relevant as you would see in a stabbing case.

16           In a stabbing case it can make a  
17 difference because you can give sort of a range  
18 of a size of the potential weapon used.

19           In gunshot wounds, that becomes less  
20 relevant, as you can have penetrating versus  
21 perforating wounds.

22           So you would never measure if it was --  
23 I'm not saying that an -- that nobody does it.  
24 I'm saying I particularly wasn't trained to  
25 necessarily do it, to probe gunshot wounds.

1 That's not something that -- that I do in my  
2 practice.

3 Q. Okay. So -- and you used the word "probe" a  
4 second ago.

5 So if you have gunshot wounds that do not  
6 exit the body, so it's a penetrating, but not a  
7 perforating wound, do you normally stick probes  
8 in to -- to show the angle, or are you --

9 A. We do do that. It can be a little tricky  
10 because you don't want to probe a wound before  
11 you've explored it.

12 You have don't want to probe a wound  
13 before you've taken pictures of it.

14 You know, there's -- you -- you want to  
15 get as much information you can from the wound  
16 before poking and prodding it.

17 So when you have wounds that are going  
18 into a body cavity, you kind of -- you want to  
19 know where the wound is heading and how it looks  
20 before you start probing it because you don't  
21 want to create false injuries.

22 Once --

23 Q. With the probe?

24 A. Yeah, with the probe.

25 Because it's -- it's an implement. And,

1 you know, the body is also sort of pliable. So  
2 even if -- if -- how do I explain this?

3 Once a gunshot or a bullet goes through  
4 the body, those tissues sort of, like, readjust  
5 in the body.

6 So putting a probe is not necessarily  
7 going to go straight through. You're going to  
8 get some resistance from tissues that are there.

9 You know, as I said, the bullet can  
10 tumble. It can create and expand a -- a cavity  
11 that then contracts as the tissues collapse on  
12 its own.

13 So you don't want to probe the -- the  
14 wound before you can, sort of, like, vet it and  
15 see it.

16 So while we do probe wounds, sometimes it  
17 can get hard -- it can be hard to take pictures  
18 because, at this point, maybe you've removed  
19 organs to see the path of the wound.

20 Q. Okay. Did you take some X-rays of the body  
21 with the projectile still in it?

22 A. Yes, we take X-rays. Especially on gunshot  
23 wound cases we take pro -- projectiles -- we take  
24 X-rays -- sorry -- before we do any sort of  
25 examination on the body.

1 Q. And do those X-rays allow you visually to see  
2 sort of where the projectile is going to be  
3 recovered from?

4 A. Yes. It gives you an idea, just to guide  
5 yourself.

6 You can see if there's fragments. You can  
7 see if there's fractures. There's multiple ways  
8 of using the X-rays.

9 Q. Doctor, I'm going to hand you three pages.

10 Just a take a second and look through them  
11 and tell me if these -- if any of these help you  
12 visualize or describe where the -- the  
13 projectiles you described that were recovered  
14 from Brendan Reilly's body.

15 A. Yes. I believe I can tell you which ones  
16 these are.

17 Q. Okay. Why don't you --

18 A. Just please don't.

19 Q. -- start with the one on top.

20 A. So I believe this one should correspond to  
21 Gunshot Wound No. 1. I just want to make sure.

22 Yes. So I believe this one does  
23 correspond to Gunshot Wound No. 1.

24 Q. And is it that white blob --

25 A. Do I -- do I need to show it?

1 Q. -- on the top left of the page?

2 A. Yes.

3 That's the projectile.

4 MR. VAN EPPS: Can I hand it to the Court?

5 THE COURT: Do you want to mark this as  
6 an exhibit?

7 MR. VAN EPPS: Yes.

8 THE COURT: All right.

9 MR. VAN EPPS: Yeah.

10 THE COURT: What -- what number are we  
11 at?

12 THE CLERK: Eighty -- 86, your Honor.

13 (Exhibit 86, Radiograph, was received in  
14 evidence.)

15 BY MR. VAN EPPS:

16 Q. The next one you have looks like an X-ray of  
17 the middle of the body.

18 I guess the abdomen; is that right?

19 A. Yeah. So the first radiograph was mostly the  
20 chest, the upper chest. The second one that --  
21 oops.

22 The top of the picture -- do I need to  
23 show it --

24 Q. You can show the Judge.

25 A. -- so you guys can understand? Okay.

1           So top of the body -- or head and feet  
2 towards this part.

3           So you can see this is part of the upper  
4 chest. This is the abdominal muscle, the  
5 abdominal cavity. These are the hip bones. This  
6 is the projectile right side, left side.

7           So that should be No. 2.

8 Q.   Okay. And you're indicating the white blob  
9 on the left center of the picture?

10 A.   Yes, the white blob.

11 Q.   Okay.

12           MR. VAN EPPS: I'll -- I'll hand this to  
13 the Court and offer it as the next exhibit.

14           THE COURT: All right. Eighty-seven.

15           (Exhibit 87, Radiograph, was received in  
16 evidence.)

17 BY MR. VAN EPPS:

18 Q.   The last radiograph you're holding, same  
19 question.

20 A.   Yeah. So again, head, feet; right, left.  
21 You can see the hip bones.

22           Here you can see -- and this one's  
23 actually really good, because you can see the  
24 projectile really embedded itself into the femur  
25 head.

1           And then -- which corresponded to No. --

2           Q.    No. 4.

3           A.    -- 4.

4           And then this one -- this one was for  
5           No. 3.  Sorry.

6           So this is the one that goes into the  
7           abdomen, below the umbilicus and ends, like I  
8           said, in the soft tissues.

9           You can see the bone here, and you can  
10          see the projectile embedded in the soft tissues.

11          BY MR. VAN EPPS:

12          Q.    All right.  So as one looks at this doc -- at  
13          this page, a left side, that's Gunshot Wound 4,  
14          and on the right side it's Gunshot Wound 3?

15          A.    I'm sorry.

16          THE COURT:  So --

17          THE WITNESS:  I just want to make --

18          THE COURT:  Gunshot wound --

19          THE WITNESS:  I just want to make sure  
20          I'm --

21          THE COURT:  Gunshot wound --

22          THE WITNESS:  -- not saying the wrong  
23          thing.

24          THE COURT:  Nope.  Gunshot Wound 4  
25          embeds --



1 THE WITNESS: Four, embedded --

2 THE COURT: -- itself in the femur head.

3 THE WITNESS: -- in the bone and three in  
4 the soft tissues --

5 THE COURT: Correct.

6 THE WITNESS: -- yes.

7 MR. VAN EPPS: Okay. So I'll hand that  
8 to the Court.

9 THE COURT: Eighty-eight.

10 (Exhibit 88, Radiograph, was received in  
11 evidence.)

12 BY MR. VAN EPPS:

13 Q. You testified a little bit about -- last time  
14 you're here -- about movement.

15 And you've testified about the -- where  
16 the wounds -- where the projectiles struck,  
17 entered, moved through the body, and were  
18 recovered.

19 Assuming that all those four projectiles  
20 came from the same firearm, meaning there's one  
21 shooter, and were fired in rapid succession, and  
22 that the shooter did not move, meaning did not  
23 change position vis-à-vis Mr. Reilly, are the  
24 location and the path of those wounds consistent,  
25 or could they be consistent with Mr. Reilly being

1 struck, either as he's in the process of standing  
2 up or being on his feet and moving in the  
3 direction of the shooter?

4 A. Yes, they could be consistent.

5 MR. VAN EPPS: Judge, I don't know if you  
6 have any other questions.

7 I know you had raised a couple questions  
8 the last time we had a conference.

9 THE COURT: Let me see if the lawyers  
10 have any questions first, and then I'll go from  
11 there.

12 MR. HEINEMAN: Just flowing up -- I'm  
13 sorry.

14 Did you have any questions.

15 MR. MCDONALD: No, no questions.

16 EXAMINATION

17 BY MR. HEINEMAN:

18 Q. Just following up on that last question.

19 A. Yep.

20 Q. And I know it's -- the question was whether  
21 it could be consistent.

22 Could those downward trajectories of all  
23 four of the bullets also be consistent with  
24 Mr. Reilly being on the ground starting to get up  
25 and just his torso being in a seated, rising

1 position?

2 A. I think they could be consistent with that as  
3 well.

4 MR. HEINEMAN: That's all I have, Judge.

5 THE COURT: Okay. So just on that -- and  
6 that was kind of where I was going to go, too.

7 Even if you know, or have a reasonably  
8 good idea of where the shooter was standing --

9 THE WITNESS: Mm-hmm.

10 THE COURT: -- or his or her -- in this  
11 case his -- relevant position, given wound path,  
12 given bullet dynamics, it's very hard to  
13 determine where Mr. Reilly was or what Mr. Reilly  
14 was doing; am I right?

15 THE WITNESS: It's very difficult --

16 THE COURT: Okay.

17 THE WITNESS: -- because there's many  
18 variables to, again, it's -- it's helpful to know  
19 that the -- it was just one shooter; it was just  
20 one gun, because then you know that most likely  
21 all the bullets are coming from a single source,  
22 right, and not that somebody's being shot from  
23 different directions.

24 But there is a lot of variability  
25 between -- or it introduces a lot of variables

1 when you're thinking that the victim -- it's  
2 likely in different stages of moving --

3 THE COURT: Mm-hmm.

4 THE WITNESS: -- standing, sitting, or  
5 moving; that the shooter maybe moving as well;  
6 that they may change the angle of their aiming.

7 So, yes, it very, very difficult for me  
8 to determine that.

9 THE COURT: And just on that. I -- I  
10 just have two questions related to that -- on  
11 that.

12 While we know that the source of the  
13 gunfire is from one firearm, to your point, we  
14 don't know whether or not the shooter moved a  
15 step or two front, back; side to side, nor do we  
16 know whether or not the elevation of the weapon  
17 changed as he pulled the trigger, right?

18 And that can affect angle in the --

19 THE WITNESS: Yes.

20 THE COURT: -- in the body?

21 THE WITNESS: Yes.

22 THE COURT: Okay.

23 THE WITNESS: There are certain things  
24 that I can tell with certainty --

25 THE COURT: Yep.

1 THE WITNESS: -- like -- if I can --

2 THE COURT: Yeah.

3 THE WITNESS: -- talk?

4 THE COURT: That's why you're here.

5 THE WITNESS: And -- and this is going to  
6 be very obvious to everybody and the Court. I  
7 can tell that he wasn't shot in the back.

8 THE COURT: Right.

9 THE WITNESS: You know, as we can all  
10 tell.

11 So there are certain things that -- that  
12 are easier to understand, but there are things  
13 that are a lot harder.

14 And all the findings on the scene and  
15 reconstruction of the scene need to be taken into  
16 context.

17 THE COURT: All right. And although  
18 we've identified the various wounds as GSWs 1  
19 through 4.

20 We have no idea which order these  
21 gunshots were fired in, do we?

22 THE WITNESS: That's correct. I always  
23 put a disclaimer on my report.

24 Some people use letters to identify  
25 bullets. I use numbers, because when you get

1 into really high numbers --

2 THE COURT: Right.

3 THE WITNESS: It's -- it's more difficult  
4 to say, know you, A through Z. And then you  
5 start going AA, BB.

6 So I use numbers, because it's easier to  
7 keep track when you are working a case up in the  
8 morgue; but it does not mean that I know which  
9 wound came first.

10 THE COURT: All right. Or in what order?

11 THE WITNESS: Yes. I -- I can't tell.

12 THE COURT: Okay. Anything on that?

13 MR. VAN EPPS: Can I have a moment,  
14 Judge?

15 (Pause.)

16 EXAMINATION

17 BY MR. VAN EPPS:

18 Q. One of the factors that maybe we're all  
19 assuming, but nobody's explicitly said, would --  
20 would that include the distance between the --  
21 the -- the gun itself and Mr. Reilly, one of the  
22 factors in -- in -- in figure out whether --  
23 A. Yeah. I mean, I think that would be relevant  
24 to knowing these things.

25 But, again, it's multiple variables

1 because of -- you know how far away the shooter  
2 is -- but the -- the victim moves.

3 I mean, like -- like I've said, it's --  
4 it's a lot of variables.

5 So I do I think the scenario could be  
6 consistent with the victim being in a particular  
7 position? Yes.

8 But you could say the same for other  
9 positions.

10 THE COURT: All set?

11 MR. VAN EPPS: Thank you, Doctor.

12 (Witness excuse.)

13 MR. VAN EPPS: Your Honor, our next  
14 witness is going to be Jacob O'Connell --

15 THE COURT: Okay.

16 MR. VAN EPPS: -- who should be outside.  
17 Jacob O'Connell.

18 THE CLERK: Thank -- thank you, counsel.

19 (Pause.)

20 THE CLERK: Please raise your right hand.  
21 Do you swear and affirm the testimony you give  
22 before the Court today is the truth and nothing  
23 but the truth?

24 THE WITNESS: I do.

25 THE CLERK: Thank you.

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JACOB O'CONNELL, SWORN

EXAMINATION

BY MR. VAN EPPS:

Q. You can have a seat, sir.

Sir, can we have your name, please?

A. It's Jacob O'Connell.

Q. Okay. And are you employed, sir?

A. Yes.

Q. What do you do for a living?

A. I work as a forensic scientist in the  
Massachusetts State Police Crime Lab.

Q. How long have you had that -- held that  
position, sir?

A. For four years.

Q. Okay. What did you do before that?

A. I worked as a lab technician in a company in  
Watertown.

Q. Okay. And is it correct that you have a  
bachelor of science in chemistry from UMass  
Lowell?

A. Yes.

Q. And you concentrated in forensic science  
there?

A. Yes.

Q. Okay. What are your duties and



1 responsibilities at the lab?

2 A. So my duties are to perform various  
3 analytical testing on postmortem biological  
4 samples to determine the presence or absence of  
5 alcohol, drugs, and toxins.

6 Q. And those samples are ones that are typically  
7 sent to you from the Medical Examiner's Office --

8 A. Yes.

9 Q. -- correct?

10 Okay. And is there a procedure that  
11 you've become familiar with known as GC-MS or gas  
12 chromatography-mass spectrometry?

13 A. Yes.

14 Q. How does that play a role in your testing of  
15 those samples from the OCME?

16 A. So the -- GC-MS or gas chromatography-mass  
17 spectrometry is one of our main screenings that  
18 we use on the postmortem samples.

19 Q. Okay. And -- can you explain how that  
20 actually analyzes samples and identifies  
21 different substances in them? Just generally.

22 A. Sure.

23 So the samples are typically stored in  
24 vials, and how that process ends up working  
25 is -- it will -- a needle will take a small

1 sample from that vile and it will inject it into  
2 a port where that sample gets heated up from a  
3 liquid state into a gas state.

4 From there, there is a gas that pushes  
5 that sample through a column, and any potential  
6 compounds of interest that are in that sample are  
7 separated as they go through that column based on  
8 their size as well as the reactivity with the  
9 column.

10 As they end up making their way through,  
11 they go to the mass spectrometer portion, where  
12 those amyloids are then broken up, and then they  
13 are sent to a detector, which will read the  
14 responses, and then those responses are recorded  
15 on a computer.

16 Q. And the -- the -- tell me if I'm thinking of  
17 this correctly.

18 So you -- you test the sample, and you  
19 compare it against standards for certain  
20 substances to see if there are matches; would  
21 that be correct?

22 A. Yes.

23 Q. Okay. And how many different times do you  
24 think you've analyzed fluid samples from the  
25 medical examiner using GC-MS?

1 A. On a particular bases, there -- I would be  
2 running a similar test of this about two to three  
3 times a week.

4 And some of those samples, depending on  
5 how large the batch I have, can be anywhere  
6 between about 30 to 40 samples.

7 Q. Okay. And do you have a take, you know,  
8 proficiency exams to make sure that you're --  
9 you're staying up to date with how you use the  
10 machine, and you're using it correctly?

11 A. Yes.

12 Q. Are there efforts made to make sure that the  
13 machine is calibrated correctly so that's it's  
14 not misidentifying things?

15 A. Yes.

16 Q. Okay. And you prepared, or you signed, a  
17 postmortem toxicology report concerning samples  
18 from a decedent named Brendan Reilly; is that  
19 correct?

20 A. Yes.

21 Q. Okay. I'm going to show you Exhibit 19.

22 Just look at these two pages within  
23 Exhibit 19.

24 Do you recognize this to be the report I  
25 just referenced, the first page?

1 A. Oh, thank you.

2 If you don't mind.

3 Q. Yep. Just look at it. Familiarize yourself  
4 with it.

5 (Pause.)

6 (Discussion off the record.)

7 BY MR. VAN EPPS:

8 Q. Have you seen that before?

9 A. Yes, I have.

10 Q. Okay. Now, the -- the two pages that come  
11 from the State Police lab have been prepared by  
12 your laboratory; is that right?

13 A. Yes.

14 Q. Okay. And then there was another portion for  
15 additional screening sent out to a private lab  
16 under contract with the State Police; is that  
17 right?

18 A. Yes.

19 Q. And that's the NMS labs report that's all  
20 also part of that exhibit?

21 A. Yes.

22 Q. Okay. Let me just take back the report.

23 So there's a -- there's a series of --  
24 under Item 1- -- 1-01. Heart, blood. There's  
25 results for ethanal, methanol, isopropanol, all

1 say none detected.

2 And then there's a series of screens that  
3 are run.

4 And then there's something called organic  
5 bases and neutrals towards the bottom of the  
6 page.

7 Do you see that?

8 A. Yes.

9 Q. Okay. Did you also review a list of  
10 prescriptions?

11 I'm going to show you Exhibit 67.

12 Did you review that prior to coming into  
13 court today?

14 A. Yes.

15 Q. Okay. And did you go back and check  
16 the -- the way GC-MS is set up in your lab to see  
17 whether those medications would be recognized by  
18 your toxicology screening regiment if they were  
19 in a particular sample?

20 A. Yes.

21 Q. Okay. Are there any ones in there that would  
22 not be recognized by the toxicology screening  
23 that the lab does?

24 A. So the one in particular is Abilify would not  
25 be recognized.

1 Q. Recognized by GC-MS?

2 A. Yes.

3 Q. Is there another way in your toxicology  
4 testing would have identified if it was present  
5 in a sample?

6 A. I believe the only way we would know is if  
7 the medical examiner specifically stated it.

8 And because -- since we don't -- aren't  
9 able to see this through GC-MS, then we would  
10 take a similar approach to sending it out to NMS  
11 labs to see if they could find it.

12 Q. Okay. Do you have, also, in-house standards  
13 of certain substances that you would compare it  
14 against?

15 A. Yes.

16 Q. Could that be done with Abilify?

17 A. Can that be done?

18 I believe we have attempted it, and it  
19 has -- has not worked.

20 Q. Okay. Any other substances on there that  
21 would not be recognized by your toxicology  
22 analysis?

23 A. No.

24 Q. Okay.

25 MR. VAN EPPS: Judge, that's all I have.

1 MR. MCDONALD: No questions.

2 MR. HEINEMAN: Very briefly.

3 EXAMINATION

4 BY MR. HEINEMAN:

5 Q. Good morning, Mr. O'Connell.

6 A. Good morning.

7 Q. There are two types of blood that you tested,  
8 right -- heart blood and femoral blood?

9 A. Yes.

10 Q. And you know that when we're talking about  
11 postmortem analysis of blood the gold standard is  
12 the femoral blood?

13 A. Yes.

14 Q. Because there's something called postmortem  
15 redistribution that can happen and affect the  
16 findings with heart blood, right?

17 A. Yes.

18 Q. And in the tests that were done, both by you  
19 and by NMS, there was no cocaine found in the  
20 femoral blood of Brendan Reilly, correct?

21 A. (No audible response.)

22 Q. Do you need to see report? I'm happy to show  
23 it to you.

24 A. If you don't mind.

25 Q. Oh, sure.

1 Well, I'll show you my copy?

2 MR. HEINEMAN: May I approach, your  
3 Honor.

4 THE COURT: Sure.

5 BY MR. HEINEMAN:

6 Q. And I'm going to have to look over your  
7 shoulder, if you don't mind.

8 A. Of course.

9 Q. Thanks.

10 A. Not a problem.

11 Q. So here's my -- take a look at that. Ignore  
12 my highlights. But in yours -- let's start with  
13 yours.

14 In your examination of the femoral blood  
15 was cocaine detected?

16 A. No.

17 Q. And if you flip to pages 3 through 5 -- I  
18 think that's the NMS report -- can you look the  
19 NMS report and tell where they detect -- they  
20 only tested the femoral blood, right?

21 A. Yes.

22 Q. And they did not detect cocaine in the  
23 femoral blood either, did they?

24 A. No.

25 MR. HEINEMAN: That's all I have.



1 Thank you very much, Mr. O'Connell.

2 THE WITNESS: Of course.

3 MR. VAN EPPS: Can I see that report,  
4 again?

5 THE CLERK: No. 19?

6 MR. VAN EPPS: Yes.

7 EXAMINATION

8 BY MR. VAN EPPS:

9 Q. The -- through your training and experience  
10 have you learned that when cocaine is consumed  
11 it's metabolized by the body?

12 A. Yes.

13 Q. Okay. Are you able to tell us what -- what  
14 this last substance is?

15 A. It is benzoylecgonine.

16 Q. Do you know what it is?

17 A. It is a metabolite of cocaine.

18 Q. That's the one that says 186 mixed nanograms  
19 per -- is it milliliter?

20 A. Yes.

21 Q. Okay. Thank you.

22 THE COURT: Anything else?

23 MR. VAN EPPS: That's all. Thank you.

24 THE COURT: Thank you, sir.

25 THE WITNESS: Thank you.

1 THE COURT: Mr. Van Epps --

2 MR. VAN EPPS: Judge, if I could just  
3 step in to see --

4 THE COURT: Doctor Myers is here, if you  
5 want him.

6 MR. VAN EPPS: Oh, good. Okay. Great.  
7 Commonwealth calls Dr. Myers.

8 THE COURT: Nice to see you in real life.

9 THE CLERK: Please raise your right hand  
10 and stand up.

11 Do you swear that the testimony you give  
12 today is nothing but the truth?

13 THE WITNESS: I do.

14 THE CLERK: Okay.

15 CHRISTOPHER LLOYD MYERS, SWORN

16 BY MR. VAN EPPS:

17 Q. Sir, good morning.

18 Can we have your name please?

19 A. Good morning.

20 Christopher Lloyd Myers, M-Y-E-R-S.

21 Q. Okay. And you are employed?

22 A. Yes, I am.

23 Q. What do you do for a living?

24 A. I'm the medical director of Bridgewater State  
25 Hospital and a board-certified forensic

1 psychiatrist.

2 Q. How long have you held your position with the  
3 Bridgewater Hospital -- State Hospital?

4 A. I've been the medical director for six years.

5 I've been affiliated with the hospital  
6 since 2009 or 2008, rather.

7 Q. Okay. And can you just outline for us your  
8 training -- excuse me, your educational  
9 background as it pertains to your current career  
10 in -- in psychiatry and that position?

11 A. Sure. Certainly.

12 So I -- I did my premedical studies at the  
13 University of Notre Dame.

14 I graduated from Tulane University School  
15 of Medicine.

16 I completed a residency in adult  
17 psychiatry at the University of Chicago  
18 Hospitals; a fellowship in student mental health  
19 at the University of Chicago Hospitals; and a  
20 fellowship in forensic psychiatry at Harvard  
21 Medical School, Massachusetts General Hospital  
22 program.

23 Q. Okay. And I think you said earlier you're --  
24 you're board certified.

25 From time to time, do you testify in

1 various court proceedings concerning patients  
2 being treated or evaluated at the hospital?

3 A. Yes, I do.

4 Q. What -- what types of proceedings?

5 A. Certainly. So I'm qualified to testify on  
6 forensic evaluations, including competence to  
7 stand trial and criminal responsibility.

8 But, in general, I testify for involuntary  
9 treatment orders.

10 So I'll testify to someone's  
11 decision-making capacity; the -- their -- their  
12 mental health conditions; need for treatment; and  
13 the treatment plan that I propose.

14 Q. Is this a copy of your -- your CV?

15 A. Yes.

16 Q. Just take a look at it.

17 MR. VAN EPPS: I just offer this as the  
18 next exhibit.

19 THE COURT: All right. I think we're 89.

20 THE CLERK: Eighty-nine.

21 (Exhibit 89, Curriculum Vitae of  
22 Dr. Christopher Myers was received in evidence.)

23 BY MR. VAN EPPS:

24 Q. Dr. Myers, so apart from being the medical  
25 executive director -- did I say that right?

1 A. Yes, sir.

2 Q. So are -- you're engaged in -- in treating  
3 individuals with various mental illnesses.

4 Does that include people who have bipolar  
5 disorder?

6 A. Yes, it does.

7 Q. Okay. And are you familiar with the symptoms  
8 of that disorder?

9 A. Yes, I am.

10 Q. Can you tell me what those are, please?

11 A. Certainly. So bipolar disorder is classified  
12 as -- as the presence of -- of at least one manic  
13 episode, and there may or may not be depressive  
14 episodes associated with it.

15 Manic episodes can include decreased need  
16 for sleep, excessive talking, or inability to  
17 stop talking; engaging in goal-directed behaviors  
18 or engaging in risky behaviors.

19 Sometimes the bipolar disorder condition  
20 can also have depressive episodes, which -- which  
21 are episodes of low mood, guilt, suicidality,  
22 lack of interest.

23 You know, the criteria you'd see for a  
24 major depressive episode.

25 Q. Okay. But it sounds like from what you're

1 telling me, bipolar disorder does not always  
2 include both manic and depressive; it -- it's at  
3 least manic?

4 A. At least manic, yes.

5 Q. Okay.

6 A. For bi -- to clarify, for bipolar 1 disorder.

7 Q. Oh, okay. And have you become familiar with,  
8 or have you treated individuals who are diagnosed  
9 with bipolar 1 disorder where there may be  
10 psychotic features present?

11 A. Yes, I have.

12 Q. And what does that mean to say that -- that  
13 there may be psychotic features present in that  
14 diagnosis?

15 A. Certainly.

16 So a "psychosis" is defined as  
17 disorganized thinking or speech.

18 I'm -- I'm sorry, disorganized thinking or  
19 behavior or delusions or hallucinations.

20 So any of those symptoms can be part of  
21 what one would call psychosis.

22 And, you know, our -- our mental health  
23 conditions are sort of the classified in ways  
24 that we can easily identify them; but there is  
25 some genetic similarities between schizophrenia,

1 bipolar disorder, depression.

2 So sometimes bipolar disorder can have  
3 psychosis associated with it.

4 A -- a good percentage of people with  
5 bipolar disorder can have psychotic episode.

6 So, you know, you can see people with --  
7 with kind of delusional thinking, disorganized  
8 behavior or speech; or hallucination, like  
9 hearing voices, seeing things.

10 Q. Okay. And in your time at the -- at the  
11 hospital, have you also treated individuals with  
12 those mental illnesses you just described, who  
13 also have issues with substance abuse, sometimes  
14 called substance abuse disorder?

15 A. I have.

16 Q. Substance use disorder --

17 A. Yes.

18 Q. -- I think is what they call it now.

19 A. Yes, sir.

20 Q. And -- and what types of substances?

21 A. Certainly.

22 So -- so I've seen individuals who are  
23 either intoxicated with, withdrawing from, or  
24 have a history of use of cocaine, alcohol.

25 K2, unfortunately, that's a big problem

1 in -- in the system of care that we have; bath  
2 salts, PCP, cannabis, opioids.

3 Q. Okay. And -- and -- and in particular with  
4 cocaine, are you familiar with its effects on  
5 the -- on the -- on the person using it; on their  
6 body, on their mind?

7 A. I am.

8 Q. Okay. What -- generally speaking, what are  
9 some of the effects of consuming cocaine?

10 A. Certainly.

11 So I mean, consuming -- consuming cocaine  
12 can cause feelings of pleasure and euphoria.

13 It can cause aggressive or violent  
14 behavior.

15 It can cause psychosis, you know, such as  
16 paranoia, you know, hearing voices, seeing  
17 things.

18 And, you know, and -- and -- in excessive  
19 doses can cause -- or regular doses -- can cause  
20 serious medical conditions, including heart  
21 attacks.

22 Q. Okay. From your training and experience,  
23 when a person with bipolar 1 disorder is -- is  
24 having a -- a manic period or a manic episode,  
25 how would that present?



1           You know, what -- what would -- what would  
2 you be looking for to see if that was the case?

3           A.   Certainly.

4           So, I mean, in -- in any person that --  
5 that we admit to the hospital, we want -- want to  
6 make sure that, you know, there -- there aren't  
7 any concerning uses of substances, or any  
8 comorbid medical conditions that might be  
9 attributing to the behavioral presentation.

10          So that would be the first thing we would  
11 look for, because we would, you know, need to  
12 address those issues immediately.

13          Once -- once those are kind of ruled out  
14 or treated, we want to look for, you know, if  
15 they have a history of -- of bipolar -- of  
16 bipolar illness and then look at -- at the  
17 symptom presentation in front of us.

18          So usually someone in a manic state, you  
19 know, might -- might kind of look -- look  
20 disheveled or look tired from being up for --  
21 for, you know, many days.

22          They may have at least in -- in where I  
23 work, they were usually arrested for behaviors in  
24 the context of -- of a manic episode.

25          So they have been engaging in behaviors

1 they normally wouldn't -- wouldn't engage in, you  
2 know, illegal behaviors. Not always, of course.

3 Sometimes people with -- with -- with a  
4 manic presentation are -- are excessively happy,  
5 kind of look high or euphoric, but sometimes they  
6 can be very irritable as well.

7 So they -- they call that mood lability,  
8 kind of highs and lows, can kind of flip back and  
9 forth.

10 And, you know, usually talking very fast.  
11 Usually difficult -- difficult for me to ask  
12 questions, because it's hard to find breaks in  
13 their thinking. It's just talk -- they call it  
14 pressured speech.

15 And then, you know, having an inability  
16 to sit still. Maybe, you know, again, looking  
17 really kind of physically agitated.

18 Q. Okay.

19 A. So that -- that's usually what a manic  
20 individual looks like.

21 Q. And a person whose having -- I'm -- I'm not  
22 sure I'm going to use the right word here, so  
23 correct me if I get it wrong -- you know, a  
24 psychotic episode or -- or -- or -- they're --  
25 they're in -- they're undergoing a problem with

1 the psychosis -- psychotic aspect of whatever  
2 diagnosis they have, how would that present?

3 What would you be looking for?

4 A. I would be -- I -- I would first -- I would  
5 first observe the individual. Sometimes even --  
6 even out of eyesight so that I could see if  
7 they're maybe -- maybe talking to themselves,  
8 maybe talking to people in the room that aren't  
9 there. They -- we call that responding to  
10 internal stimuli.

11 So I first want to kind of see the  
12 behavior before I go into the room to interview  
13 them.

14 In -- in -- in the line of work that I  
15 do, I always have to be careful because sometimes  
16 people report symptoms that -- that aren't real  
17 in order to -- to -- to get other needs met, so I  
18 want to make sure I see the behavior first.

19 And then -- and then I'll -- and then  
20 I'll -- I'll -- I'll just conduct a psychiatric  
21 interview. Looking for -- looking for feelings  
22 of being persecuted; kind of believes that --  
23 that people are maybe are out to get them, or  
24 sort of unrealistic beliefs.

25 Some people might believe they're God.

1           Some people might believe they have  
2 special powers.

3           You know, all -- you know, all -- all --  
4 psychosis can present very differently, but --  
5 but, you know, I would look for unusual or  
6 unrealistic thoughts, and then I would look for  
7 the presence of hallucination.

8           And the -- the thought process for  
9 bipolar disorder and psychosis, I mean, are --  
10 are -- can sometimes be both very disorganized,  
11 but usually -- usually manic people are -- are  
12 speaking really fast, but there -- there's some  
13 logic to their thinking; whereas, psychosis --  
14 the -- the thinking is -- is -- is very, very  
15 difficult to understand and very difficult to  
16 kind of piece together.

17           There's just no connection between the  
18 thoughts at all.

19           And then the behavior is -- is what we  
20 would call, you know, clinically, grossly  
21 disorganized.

22           You know, they look extremely disheveled,  
23 making moments that don't really make any sense  
24 to us.

25           Of course, I mean, people with -- with --

1 with mania usually -- usually have a goal with  
2 their behaviors, so...

3 Q. Okay.

4 (Discussion off the record.)

5 BY MR. VAN EPPS:

6 Q. We're going to hand you, sir, Exhibit 19,  
7 which is a medical examiner report, but I'm --  
8 I'm going to direct your attention to the back of  
9 it where there's a toxicology report from the  
10 state.

11 A. Okay.

12 Q. And then there's also toxicology report from  
13 NMS --

14 A. Okay.

15 Q. -- labs.

16 A. Okay.

17 Q. You've seen this before?

18 A. I have, sir.

19 Q. Have you reviewed this before coming --

20 A. I have.

21 Q. -- to court today?

22 A. I have. Yes, I have.

23 Q. And Exhibit 72 was a -- a series of records  
24 from Eliot; you reviewed these?

25 A. I did.

1 Q. What is Eliot?

2 A. It's -- it's an agency that provides mental  
3 health service for -- for people with mental  
4 illness, you know, including placement in --  
5 in -- in supervised facilities, or -- or  
6 providing service to people in the communicate.

7 THE COURT: Doctor, do me a favor.  
8 Just pull that microphone a little bit to  
9 you.

10 THE WITNESS: Oh, certainly.

11 THE COURT: That's --

12 THE WITNESS: I apologize --

13 THE COURT: -- much better.

14 THE WITNESS: -- for that.

15 THE COURT: That's okay.

16 THE WITNESS: Sure. Sure.

17 BY MR. VAN EPPS:

18 Q. All right. So you're familiar with Eliot?

19 A. Right.

20 Q. And Exhibit 67 is a list of prescriptions; do  
21 you see that?

22 A. I do.

23 Q. Okay. And your reviewed that, too?

24 A. I did.

25 Q. Let me start with the prescription list.

1           Are -- are you familiar with the -- with  
2 what these drugs are?

3           A.    I am.

4           Q.    And -- and what they're generally prescribed  
5 for --

6           A.    Yes, I am.

7           Q.    -- with respect to mental illness?

8           A.    Yes, I am.

9           Q.    If you could just walk us through each one.

10          A.    Certainly.

11                    So it looks like there's nine medications.  
12 One of them is a -- is a vitamin supplement,  
13 which would be useful in individuals who  
14 occasionally, or often, use alcohol, but it could  
15 have also been for other reasons.

16                    So Abilify, 30 milligrams once a day.  
17 Abilify's an antipsychotic medication, primarily  
18 used to -- to treat delusions, hallucinations,  
19 disorganized speech or behavior.

20                    It can also be used as a medication for  
21 bipolar illness.

22                    Sometimes a prescriber's elected to  
23 prescribe antipsychotics is -- is the treatment  
24 for bipolar disorder, which is, you know,  
25 perfectly supported in the -- in the psychiatric

1 literature.

2 Buspirone, 15 milligrams twice daily.

3 It's a -- it's a mild antianxiety medication,  
4 also sometimes used for depression.

5 Gabapentin, 800 milligrams twice daily.

6 It's primarily an antiseizure medication, and  
7 it's also used for nerve pain and diabetes.

8 There was some excitement about the  
9 medication years ago that it would be helpful in  
10 the treatment of bipolar disorder; but these days  
11 it's -- it's not just seen to be as helpful for  
12 bipolar disorder, but it's also kind of seen as a  
13 mild antianxiety medication.

14 But there -- it is also potentially a  
15 drug of abuse that -- it's a Schedule 4  
16 medication, which means it's more of a controlled  
17 substance and, you know, you have to be careful  
18 sometimes with prescribing that medication.

19 Lamotrigine, 100 milligrams a day, is a  
20 medication for bipolar disorder. It is also used  
21 for seizures; but I'm imagining in this gentlemen  
22 it was used for bipolar disorder.

23 Propranolol, 20 milligrams. That's a --  
24 that's a beta blocker used for -- used for blood  
25 pressure.



1           Since I don't really have the indications  
2 for the medication, it could either have been  
3 used to treat high blood pressure, or it could  
4 have been used to treat anxiety.

5 Q.   Okay.

6 A.   Wellbutrin SR, 200 milligrams twice daily, is  
7 an antidepressant. It is sometimes used in  
8 people whose bipolar illness is characterized by  
9 several depressive episodes.

10           While it's not as likely to make somebody  
11 manic as a standard antidepressant, called a  
12 selective serotonin reuptake inhibitor would, one  
13 still needs to use some caution in prescribing  
14 Wellbutrin to people with -- with bipolar illness  
15 because there is still a small chance it can --  
16 it can cause them to become manic.

17           But -- but it is often prescribed in  
18 people with this condition.

19           Zyprexa, 10 milligrams once daily is also  
20 an antipsychotic, used for the same reasons that  
21 I said for Abilify.

22           It can be used to treat bipolar disorder  
23 in and of itself or it can be used to treat  
24 delusions, hallucinations, or disorganized  
25 behavior that -- that may come about in the

1 context of the bipolar illness.

2 Melatonin is -- is a supplement used to  
3 help people sleep. 10 milligrams is a fairly  
4 standard dose.

5 And, as I mentioned, vitamin B could have  
6 been used for nutritional supplementation for a  
7 variety of reasons.

8 Without the indication, I can't really  
9 say for sure.

10 Q. And you referenced, you know, in the -- in  
11 the Eliot records exhibit -- Exhibit 72 --

12 A. Okay.

13 Q. -- do you see where it lists current  
14 diagnosis DSM-5 bipolar 1 disorder, current or  
15 most recent episode of depressive and psychotic  
16 features?

17 A. Correct. I do see that.

18 Q. Okay. And it's -- it's got the note of  
19 somebody named Jennifer Brice.

20 A. Okay.

21 Q. And then there's below that something called  
22 DSM-5 cannabis use disorder (indiscernible)?

23 A. Yes, I see that.

24 Q. Okay. And what is that disorder --

25 A. So --

1 Q. -- if you are familiar with it?

2 A. I am. So -- so any substance use disorder  
3 or, you know, specifically cannabis use disorder  
4 would be the need to -- would be, you know, use  
5 of cannabis to the extent that it -- it can  
6 interfere with -- with -- with your ability to  
7 function in life and, also, the need for  
8 increasing doses of the -- of the medication due  
9 to what's called tolerance.

10 You know, if you -- if you take drugs,  
11 drugs of abuse for, you know, a certain period of  
12 time, your body doesn't respond to them as  
13 favorably as it normally would, so you need to  
14 take more and more doses of it.

15 Q. I understand.

16 Can -- can cocaine use complicate or  
17 worsen the -- the symptoms a person is under  
18 going who has, for example, bipolar 1 disorder?

19 A. Yes, it can.

20 Q. In what ways?

21 A. Well, it can certainly in and of itself  
22 produce -- produce -- produce a state that is  
23 very similar to a manic episode or a psychotic  
24 episode; or, you know, it can -- for someone who  
25 is predisposed to bipolar illness, it -- it could

1 either make the symptoms worse -- worse, or take  
2 someone who's stabilized on medications, and --  
3 and -- and -- and cause a manic or psychotic  
4 episode.

5           So it -- it -- it can worsen the illness.

6 Q. Even if that person is -- is prescribed  
7 medication and taking the medication?

8 A. Yes. Yes, it can.

9 Q. Okay. In terms of behavior that one might  
10 observe for a -- a -- a patient or person  
11 undergoing this problem, would -- would a person  
12 who is, you know, holding a knife and screaming  
13 and yelling at police, and -- and not engaging or  
14 responding to requests or instructions to that  
15 person to -- to -- to drop the knife, you know,  
16 those instructions are -- are addressing that  
17 person by name, could that be consistent with a  
18 person undergoing that either period of mania or  
19 a psychotic break that can occur?

20 A. I mean, hypothetically it -- yes.

21 Q. The prescription list I've handed you --

22 A. Yes.

23 Q. -- and that's Exhibit 63, are you aware of  
24 whether cocaine is known to negatively interact  
25 with specific medications on this list?

1 A. Well, there's -- there's some contrasting --  
2 kind of contrasting viewpoints on -- on -- on the  
3 interactions of cocaine and Wellbutrin.

4 Sometimes -- there -- there has been case  
5 reports on literature of treating people with  
6 Wellbutrin to limit the use of cocaine of --  
7 of -- of cocaine consumption because it sort of  
8 provides the same sort of reenforcement that --  
9 that -- that cocaine would.

10 And then there's -- there's rare case  
11 reports that, you know, increase doses of  
12 Wellbutrin with cocaine can cause somebody to  
13 become psychotic.

14 But I -- I searched the literature and, I  
15 mean, the -- the case reports are far and few  
16 between.

17 And there's -- and -- and in terms of  
18 cocaine having a -- a strong interaction with any  
19 of these medications, it was not very much in the  
20 literature suggesting that.

21 Q. Okay. The -- and Wellbutrin is -- that's a  
22 trade name. It's a -- it's a substance called  
23 Bupropion --

24 A. Correct.

25 Q. -- is that right?

1 A. Yes.

2 Q. Okay. Looking at the toxicology report, you  
3 can look at both the State Police one and  
4 Exhibit 19, as well as the NMS ones.

5 You'll see that the -- actually, look at  
6 the end of this one, please?

7 A. This one. Okay.

8 Q. So it talks about bupropion and  
9 hydroxybupropion being found at just 1,200  
10 nanograms per milliliter.

11 A. Yes.

12 Q. From your training and experience, do you  
13 have a sense of whether that is a typical amount  
14 that one might expect to find in a -- in a  
15 patient's blood if they're taking it or less or  
16 more or what?

17 A. That -- that value would -- that value  
18 would -- would indicate a higher than usually  
19 dosage of Wellbutrin in someone's -- or it would  
20 indicate that someone is taking a higher than  
21 usual dose of Wellbutrin.

22 But I do have to qualify that statement  
23 with -- with -- with the fact that there are some  
24 people who metabolize medications differently.

25 So, for instance, someone maybe

1 prescribed a standard dosage of medication, but  
2 their body may be metabolizing it either too  
3 slowly or too rapidly, so what you may find in  
4 the blood, and what effects you may find with the  
5 medication may be different than what one -- one  
6 would expect.

7           So I -- you know, I'm not sure if  
8 Wellbutrin levels or liver enzymes had -- had  
9 been, you know -- labs for those have been drawn  
10 in the past for this individual, so I just have  
11 to qualify that.

12 Q. And -- and I think -- maybe it's obvious  
13 already from your testimony; but, obviously,  
14 you're -- you're -- you're testifying having --  
15 reviewed the exhibits I've shown you, you are not  
16 familiar Brendan Reilly's complete medical  
17 history --

18 A. No, I am not.

19 Q. -- going back as far as that goes?

20 A. Correct. Yes, sir.

21 Q. Are there side effects that can occur if one  
22 does take too much Wellbutrin?

23           I -- I understand that's a -- a drug that  
24 affects -- is it dopamine?

25 A. It does.

1           So it -- it -- it promotes the release of  
2 dopamine and norepinephrine.

3           Dopamine is -- is -- is thought to help  
4 with one's ability to pay attention with -- with  
5 one's ability to focus, as well as to provide,  
6 you know, for lack of a little bit of a better  
7 word, some -- some energy for people who suffer  
8 from depressive disorders.

9           And then the norepinephrine is -- is also  
10 thought to be associated with depression. So it  
11 does promote the release of those -- both those  
12 neurotransmitters that can be helpful in the  
13 treatment of depression.

14           Also for adult  
15 attention-deficit/hyperactivity disorder, ADHD,  
16 Wellbutrin is a treatment for that as well.

17           And it's also used to -- to help people  
18 with addiction such as smoking. And there are  
19 case reports that it's been used to -- to help  
20 people with cocaine use as well.

21           But excessively high doses can -- can  
22 cause -- it can be pretty dangerous and that's  
23 why it's kind of regulated in the systems that I  
24 work in, because it is a drug that is often  
25 abused by our patients.





1 A. Yes. Yes, they can.

2 Q. How about to touch or sensation?

3 A. It's -- it's possible. Especially with --  
4 antipsychotic medications can -- can -- can cause  
5 an -- an inability to experience hot or cold in  
6 the way that we would in the --

7 Q. And can you tell whether or not that also  
8 might make someone less affected by, let's say, a  
9 punch or other use of force?

10 A. I'm sorry, attorney, your question was with  
11 those regard to prescription medications?

12 Q. Or combined with the other substances that --

13 A. Certainly.

14 Q. -- you've been discussing.

15 A. I -- I think in -- in the sense, like,  
16 if -- if cocaine can produce -- can produce manic  
17 or psychotic episodes, people sometimes, in those  
18 states, aren't as affected by stimuli that --  
19 that people not using those substances would be.

20 So, I mean, you know, for instance, you --  
21 you may not experience the pain associated with  
22 a -- with a punch, cognitive, in your mind as  
23 someone not using those medications would.

24 Q. Thank you.

25 MR. MCDONALD: That's all.

1 THE WITNESS: Okay.

2 EXAMINATION

3 BY MR. HEINEMAN:

4 Q. Good morning, Doctor.

5 A. Good morning.

6 Q. Just a couple questions.

7 With regard to the bupropion levels that  
8 were in those lab reports, am I right that when  
9 those levels are tested, generally, in the course  
10 of treating a patient, there's something called a  
11 trough level --

12 A. Yes, there is.

13 Q. -- that is looked for?

14 A. Yes, sir.

15 Q. And that's because the way the body  
16 metabolizes these medications, there will be  
17 peaks and there will be valleys, and so you want  
18 to look for the trough level to see if you're  
19 giving an effective dose?

20 A. That is correct.

21 Q. And different people also metabolize those  
22 medications differently?

23 A. Yes, they do.

24 Q. So am I right that you can't draw any  
25 conclusions at all with the regard to the levels

1 of bupropion that were in Brendan Reilly's blood,  
2 according to that toxicology report, with regard  
3 to how that drug was affecting him on that day?

4 A. I think that's accurate.

5 Q. With regard to somebody who is having a  
6 manic -- strike that.

7 With regard to a person who suffers from  
8 bipolar 1, who's in the midst of a manic episode,  
9 I believe you said one of the symptoms could be  
10 that they feel like they're being persecuted.

11 A. Sure.

12 Q. And so when somebody like that is -- is  
13 confronted by somebody holding a shotgun, how  
14 would you expect that person to react?

15 A. Certainly.

16 I mean it -- it -- it certainly depends  
17 on -- on the specific presentation of the  
18 illness.

19 But, I mean, if -- if -- if your beliefs  
20 of persecution -- or if -- or if -- or if the --  
21 the -- the delusion is so strong that you feel  
22 you must act to protect yourself or protect the  
23 people around you regardless of -- of what's  
24 being done to you, it -- it is very possibly that  
25 one may still continue to -- to act aggressively.

1 They call it the policemen-at-the-elbow test.

2 But, I mean, you know, you would continue  
3 to act aggressively even though, like, you know,  
4 law enforcement or other people are -- are -- are  
5 commanding you to stop doing it, because the --  
6 the experience of your symptoms is -- is -- is so  
7 strong, and -- and -- and -- and -- and -- and  
8 distressing to you.

9 MR. HEINEMAN: That's all, Mr. -- I mean,  
10 Doctor.

11 THE WITNESS: Okay.

12 MR. HEINEMAN: Thank you, so much.

13 THE WITNESS: Thank you.

14 MR. HEINEMAN: And go Irish.

15 THE WITNESS: Yes, go Irish. That's  
16 right.

17 THE COURT: I was going to say go, Tulane  
18 but --

19 THE WITNESS: Well, that -- I don't know,  
20 they had actually a better season.

21 THE COURT: They did.

22 MR. VAN EPPS: That's -- that's I have,  
23 Judge.

24 THE WITNESS: Okay. Thank you.

25 THE COURT: Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: Good to see you.

3 THE WITNESS: Thank you. Good to see  
4 you.

5 (Witness excused.)

6 MR. HEINEMAN: I'm required to do that by  
7 law, your Honor.

8 THE COURT: I know you are.

9 MR. VAN EPPS: Your Honor, at this point  
10 those are all the live witnesses the Commonwealth  
11 plans to call. I do have some exhibits I'd like  
12 to mark.

13 THE COURT: Okay.

14 MR. VAN EPPS: If that's all right.

15 THE COURT: Sure.

16 MR. VAN EPPS: Well -- well, before we  
17 get to officers, I mean.

18 THE COURT: Understood.

19 MR. VAN EPPS: I wanted to qualify that.

20 THE COURT: Understand.

21 MR. VAN EPPS: I have a two-page report  
22 from Captain Mazerall concerning the Lexington PD  
23 911 system.

24 THE CLERK: Exhibit 90, your Honor.

25 (Exhibit 90, Two-page report, Captain

1 Mazerall, was received in evidence.)

2 (Pause.)

3 MR. VAN EPPS: Let's see.

4 And again, number?

5 THE CLERK: Ninety.

6 MR. VAN EPPS: Thank you.

7 Actually, Judge, the rest of the exhibits  
8 I can introduce through the officers.

9 I just wanted to check one thing.

10 THE COURT: Sure.

11 MR. VAN EPPS: Don't we have the -- it's  
12 a Lexington PD administrative report.

13 THE COURT: I don't know that that was  
14 marked, was it?

15 MR. VAN EPPS: It was marked on the last  
16 date.

17 THE CLERK: On the last date?

18 MR. VAN EPPS: Yes.

19 THE CLERK: Support to (indiscernible).

20 MR. VAN EPPS: I can look through the  
21 stack we did at the (indiscernible).

22 THE CLERK: And this is 68 onward.

23 MR. VAN EPPS: Yeah.

24 THE COURT: So 61 is a report by  
25 Cahill on the scene.

1           Sixty-two is a Firearms Identification  
2 Section report.

3           Sixty-three is product information on the  
4 shot shell.

5           Sixty-four is use of force.

6           Sixty-five is photos.

7           Sixty-six is a Google map.

8           MR. VAN EPPS: Okay. I'll just offer it  
9 now.

10          THE COURT: All right.

11          THE CLERK: Graham, I have the report.

12          MR. VAN EPPS: Sure. Thanks.

13          Here, I'll just offer this...

14          THE COURT: Ninety-one, will be --

15          THE CLERK: Ninety-one.

16          THE COURT: And what is that, again?

17          MR. VAN EPPS: It's the administrative  
18 report written by Captain Mazerall.

19                 In particular, the -- when you listen to  
20 911 recordings there's a description in there of  
21 what's happening at different points during the  
22 recording.

23          THE COURT: Okay.

24          MR. VAN EPPS: So that's -- that's really  
25 the focus of that report --



1 THE COURT: Right.

2 MR. VAN EPPS: -- although it's -- it's  
3 got other materials in it.

4 THE COURT: Okay.

5 THE CLERK: Thank you.

6 (Exhibit No. 91, Lexington PD  
7 Administrative Report, received into evidence.)

8 (Discussion off the record.)

9 THE COURT: So before we get to the  
10 officers, do you want to take five minutes?

11 MR. VAN EPPS: Yes, please.

12 COURT OFFICER: Court. All rise.

13 (10:25 a.m. court in recess.)

14 (10:34 a.m. court resumes.)

15 COURT OFFICER: Court.

16 All rise.

17 You may be seated.

18 Court is in session.

19 THE CLERK: Your Honor, we're back on the  
20 record, the sealed record.

21 Recalling Docket No. 2227IN001, an  
22 Inquest into the Death of Brendan Reilly.

23 MR. VAN EPPS: Judge, I just have a -- a  
24 packet of reports I am going to offer.

25 THE COURT: All right.

1 MR. VAN EPPS: They are just prior calls  
 2 for service to 98 Hancock Street -- excuse me --  
 3 and they're -- one of them is a report.

4 The other one's in almost, like, log  
 5 format.

6 And they -- and they can collectively be,  
 7 I think, one exhibit.

8 THE COURT: All right. So Exhibit 92.

9 (Exhibit No. 92, Packet of reports,  
 10 received into evidence.)

11 (Pause.)

12 MR. VAN EPPS: Ninety-one. I don't have  
 13 91.

14 MR. MCDONALD: Ninety-one was the Captain  
 15 Mazerall --

16 THE COURT: Ninety-one is the --

17 MR. VAN EPPS: Oh, the admin report.

18 THE COURT: -- admin report.

19 MR. VAN EPPS: Right. The -- right. The  
 20 911 report is 90. The --

21 THE COURT: Ninety.

22 MR. VAN EPPS: -- admin report is 91.

23 THE COURT: Right.

24 Ready?

25 MR. VAN EPPS: Yes. Once counsel's got a

1 gander at those, I would offer this as --

2 THE CLERK: Ninety-two.

3 MR. VAN EPPS: -- just collectively,  
4 these are a series of Lexington PD reports.

5 THE COURT: All right.

6 THE CLERK: That's Exhibit 92, your  
7 Honor.

8 MR. VAN EPPS: Steven Papia, please.

9 THE COURT: He just needs to be sworn.

10 THE CLERK: Please raise your right hand,  
11 sir.

12 Do you swear and affirm the testimony you  
13 give before the Court today is the truth and  
14 nothing but the truth?

15 THE WITNESS: I do.

16 THE CLERK: Thank you.

17 STEVEN PAPIA, SWORN

18 THE COURT: Sir, can you just identify  
19 yourself for the record.

20 THE WITNESS: Officer Steven J. Papia --

21 THE COURT: All right.

22 THE WITNESS: -- Lexington Police.

23 THE COURT: Mr. Papia, before we begin, I  
24 just want to go through some things with you.

25 I've been doing that with each of the

1 officers in turn as they testify.

2 Do you understand that this is an inquest  
3 to determine whether or not there was any  
4 criminal wrongdoing into the death of Mr. Reilly?

5 THE WITNESS: Yes, sir.

6 THE COURT: That said, you have a right  
7 to remain silent; no one can force you testify  
8 against yourself.

9 Obviously, these proceedings are being  
10 recorded. There's going to be a report that's  
11 generated based upon whatever occurred during the  
12 course of the proceeding and now including your  
13 testimony.

14 I know that you have a -- a lawyer.

15 Have you had the -- enough time to talk  
16 to your lawyer about whether or not it's in your  
17 interest to testify and waive your right to  
18 against self-incrimination.

19 THE WITNESS: Yes, sir.

20 THE COURT: Understanding your right  
21 against self-incrimination and understanding all  
22 of the -- that no one can force you to testify,  
23 because you are one of the people that was  
24 involved in this incident, although no target has  
25 been identified with respect to the inquest,

1 obviously, the officers that are involved are the  
2 people that are the subject of the inquiry.

3 Understanding that, do you still wish to  
4 testify and give up that right?

5 THE WITNESS: Yes, I do.

6 THE COURT: All right.

7 EXAMINATION

8 BY MR. VAN EPPS:

9 Q. Good morning, sir.

10 A. Good morning.

11 Q. You indicated you're a Lexington police  
12 officer.

13 How long have you been employed by the  
14 Lexington Police?

15 A. Twenty years.

16 Q. Okay. What police academy did you go to?

17 A. The 10th MPOC, Boylston Academy.

18 Q. Boylston Academy?

19 A. Boylston, yes.

20 Q. Okay. And as a -- in the academy, just  
21 generally, what -- what topics were you trained  
22 on?

23 A. General topics that consist of criminal law,  
24 constitutional law, defensive tactics, community  
25 policing, domestic assault and battery training,

1 physical fitness, firearms, traffic enforcement,  
2 and such.

3 Q. Okay. And, before that, what did you do,  
4 before you were an officer?

5 A. I was in the United States Navy Seabees.

6 Q. Okay. How long were you in the Navy?

7 A. Three years active duty.

8 Q. And did there come a time during the 20 years  
9 that you were with the Lexington Police that you  
10 left, went to another department, and then came  
11 back?

12 A. Yes.

13 Q. Okay. Was that the Acton Police?

14 A. It was, yes.

15 Q. How long did you go to Acton for?

16 A. Six months.

17 Q. Okay. With respect to training, is there  
18 annual training -- sometimes called inservice  
19 training -- that you have to undergo?

20 A. Yes.

21 Q. Tell me about the topics that you typically  
22 are instructed on during inservice training?

23 A. Yearly inservice training consists of Day 1,  
24 typically medical first responder CPR training.  
25 Any legal law dates follow that, DT recert, or

1 DT -- not really recert, but basically updates in  
2 laws and things like that, use of force --

3 Q. Um-hum.

4 A. -- and whatnot so.

5 So every year typically there will be,  
6 like, a new topic.

7 It's five days now versus the four days it  
8 used to be.

9 Q. Okay. And earlier you mentioned defensive  
10 tactics.

11 What are your understanding of -- of what  
12 defensive tactics are?

13 A. It's basically our use of force and how we  
14 conduct ourselves and how we -- we respond to a  
15 call to a certain individual.

16 Basically following policy of procedure to  
17 use of force to the level of how much force or  
18 how much force escalates or deescalates --

19 Q. Okay.

20 A. -- training.

21 Q. During your inservice training, do you have  
22 to do -- or -- or annually, do you have to do any  
23 kind of firearms training or firearms  
24 qualification work?

25 A. Yes.

1 Q. Tell me about that.

2 A. It's a springtime qual. It's two  
3 different -- for the pistol, two individual --  
4 two different courses for the pistol --  
5 less-lethal shotgun and the M4 rifle.

6 Q. The M4 rifle?

7 A. Yes.

8 Q. Okay. Now, as a police officer you have a --  
9 a number of different pieces of equipment you  
10 carry.

11 I imagine you have some kind of pistol?

12 A. Yes.

13 Q. Do you have other weapons as well that you  
14 carry?

15 A. On my person or in the cruiser?

16 Q. Either.

17 A. So a Glock 17 9mm.

18 Q. That's your pistol?

19 A. That's a pistol, service issue.

20 Remington 870 shotgun less-lethal.

21 Q. Um-hum.

22 A. And also the M4 patrol rifle.

23 Q. Okay. With respect to the less-lethal, did  
24 you receive any training on using the Remington  
25 870 less-lethal shotgun system?



1 A. Yes.

2 Q. Is that sometimes called the Super-Sock®  
3 system --

4 A. Yes.

5 Q. -- or is that how the Lexington officers  
6 refer to it?

7 A. Correct.

8 Q. Okay. Tell me -- tell me what the training  
9 you underwent with respect to that.

10 A. Through the training, it's basically -- it's  
11 a -- it's a three-level course.

12 You start off from one distance, advance  
13 to a second distance, and then retreat back to a  
14 further distance utilizing a -- and, also, a  
15 lethal cover officer. It's ten rounds.

16 Q. Okay. So are -- are you trained to have  
17 somebody, as you're using a less-lethal weapon to  
18 have somebody covering you with some kind of  
19 lethal weapon?

20 A. Yes.

21 Q. And I imagine that's typically a pistol?

22 A. Correct.

23 Q. Let me turn your attention now to Saturday,  
24 February 12, 2022.

25 Were you working that day?

1 A. Yes.

2 Q. Okay. And was there a -- were you working as  
3 a uniformed officer?

4 A. I was.

5 Q. Okay.

6 A. In the 413 sector.

7 Q. 413 sector. Okay.

8 There are multiple sectors within  
9 Lexington.

10 Do you -- do you recall who else was  
11 assigned to, for example, the 415, 414?

12 A. Yes.

13 Q. Who were they?

14 A. Officer Frissore was the 415 backup car.

15 Q. Um-hum.

16 A. Officer Carruthers was a 414.

17 Officer Sullivan was a 411.

18 And Officer McAleer was a 402.

19 Q. Okay. Was there roll call that morning?

20 A. Yes, there was.

21 Q. Who -- did you attend the roll call?

22 A. I did.

23 Q. And who conducted it, who ran it?

24 A. Sergeant DeMambro. She was the OIC.

25 Q. Was there anything unusually or -- or out of

1 the ordinary that you were made aware of at that  
2 roll call?

3 A. No.

4 Q. What was your shift that day?

5 A. Day shift.

6 Q. So what is that?

7 A. 7:45 to 3:45 each shift.

8 Q. 7:45 to 3:45?

9 A. Yes.

10 Q. Okay. When had you last worked?

11 A. I believe the day before.

12 Q. Do you recall what your shift was that day?

13 A. It was a day shift. I believe it was a  
14 Friday, to the best of my recollection.

15 Q. Okay. So you think you did a day shift to a  
16 day shift?

17 A. Yes.

18 Q. Okay. Following roll call, were you made  
19 aware that the Lexington Police Department  
20 received a 911 call around 12:38, 12:39 p.m.?

21 A. Yes.

22 Q. Okay.

23 MR. VAN EPPS: Judge, I don't know if --  
24 I'm sure you've probably heard it; I think it  
25 makes sense to play it.

1 THE COURT: Okay.

2 MR. VAN EPPS: If I could have it. We  
3 have it marked.

4 THE COURT: I'm not sure what number  
5 the -- what number exhibit is that?

6 MR. VAN EPPS: It might be 11A.

7 THE COURT: Okay.

8 MR. VAN EPPS: Let me check to see where  
9 11A is.

10 THE CLERK: I just have it marked as CD.

11 MR. VAN EPPS: Okay.

12 THE COURT: Yeah. 11A and B is the 911  
13 transcript with CD.

14 And then C and D are the police and fire  
15 CADs.

16 MR. VAN EPPS: The computer is helpful.  
17 It decided to (indiscernible). So we'll connect  
18 to the 911.

19 THE COURT: And, just for the record, I  
20 have listened to it.

21 MR. VAN EPPS: Okay.

22 BY MR. VAN EPPS:

23 Q. Following receiving the 911 call, did you  
24 instructions from the Lexington Police  
25 dispatcher?

1 A. Yes.

2 Q. Okay. And in substance, what were you told?

3 A. So I was advised to do as a situation  
4 regarding a -- well, two tenants at 98 Hancock  
5 Street due to a -- a jogger running by the house  
6 called the 911 stating that there was an  
7 individual hanging outside of his window, yelling  
8 that, He's going to kill me, he's going to kill  
9 me.

10 Q. Okay.

11 A. The jogger relayed that to 911, and 911 put  
12 that all to us.

13 Q. Okay. And was that in your sector?

14 A. It was, yes.

15 Q. Were you sent to -- to 98 Hancock Street?

16 A. Also, Officer Frissore, was the 415 backup  
17 car.

18 Q. Okay. And was that around 12:40 p.m.?

19 THE COURT: Officer Papia -- Papia, just  
20 do me a favor, just keep your voice just a little  
21 bit.

22 THE WITNESS: Yes, sure.

23 BY MR. VAN EPPS:

24 Q. All right. So I think you said a second ago  
25 it was Officer Frissore was the 415?

1 A. The 415, yes.

2 Q. And were you dispatched around 12:40 p.m.?

3 A. Yes.

4 Q. Okay. And how did you go to the call,  
5 meaning: Were you -- did you have your -- any of  
6 your emergency lights on?

7 Did you have a siren on? Did you have  
8 none of them on?

9 A. Lights and sirens on.

10 Q. Okay. And you're familiar with that area, I  
11 take it?

12 A. Yes.

13 Q. Okay. When you arrived, where did you park?

14 A. I parked the cruiser over by the Diamond  
15 Middle School entrance facing towards the school.

16 Q. Okay. And, as you exited your vehicle, could  
17 you see anybody in the area or -- or -- or see  
18 anything that appeared to relate to the call you  
19 had been sent for?

20 A. From the moment that I stepped out of the  
21 vehicle, no. Not until I approached the house on  
22 foot.

23 Q. Okay. Then what happened?

24 A. So I approached the house on foot, and I  
25 noticed one of the tenants that lived there start

1 to walk out the front door.

2 And, also, there was an Asian  
3 individual -- Asian male standing -- well,  
4 basically hanging out the front window of the  
5 front dormer of the bedroom, and he was yelling.

6 Q. This is on the second floor?

7 A. Second floor, yes.

8 Q. And in -- in substance, what was that person  
9 yelling?

10 A. He's going to kill me.

11 Q. All right. Did you have a conversation with  
12 either of those two individuals, either the  
13 person that came out or the person at the window?

14 A. The person that walked out at the front of  
15 the house, I believe his first name was James.

16 Q. Okay. And were you able to find out anything  
17 from him about what was going on at that house?

18 A. Basically, I -- he basically said, in his own  
19 words, he's messed up, or he's -- he's on  
20 something, or he's doing something.

21 But it was kind of -- kind of difficult to  
22 understand.

23 Obviously you could tell something was  
24 going on between the three tenants that were  
25 living there.

1 Q. Okay. Did he give you a name when you  
2 were -- did James give you a name when you were  
3 talking to him?

4 A. Brendan.

5 Q. -- or did he just refer to somebody else?

6 A. No, Brendan.

7 Q. Okay. Is that a name that triggered any  
8 familiarity with you?

9 A. Yes.

10 Q. Okay. How are you familiar with that name?

11 A. I responded to that house numerous times --

12 Q. Okay.

13 A. -- on occasion.

14 Q. When was -- can you approximate when the most  
15 recent time was before February 12th?

16 A. Back up to about a year, I assisted with  
17 the -- a medical evaluation Section 12.

18 Q. Okay. Okay. The person who was yelling who  
19 was at the window, were you familiar with that  
20 individual before this?

21 A. Not really, no.

22 Q. All right. As you're approaching the house,  
23 did you know whether or not it was a group home?

24 A. Yes, I did.

25 Q. Okay. And did -- did you know who ran the



1 group home?

2 A. The Eliot Community Service Center.

3 Q. Okay. Have you ever interacted with them  
4 before?

5 A. I have, yes.

6 Q. In what --

7 A. By phone.

8 Q. -- capacity?

9 A. In basically assisting where they show up to  
10 check on one of the tenants, you know, the  
11 assistance for their Section 12 committals.

12 Q. Okay. In the past, have you -- so you've had  
13 deals where they've had Eliot staff come out to  
14 the house?

15 A. Yes.

16 Q. Did you see any Eliot staff at the house when  
17 you responded on -- on February 12th?

18 A. No.

19 Q. Okay. Do you know whether any efforts were  
20 made to try to get somebody from Eliot to come  
21 out to the house to deal with whatever was  
22 happening there?

23 A. Based on my -- on my experience with that  
24 home -- one of the first things I relayed to our  
25 dispatch was to reach out to the Eliot Community

1 Service and request for a clinician to come out  
2 and -- and give us a hand in the situation.

3 And also staged the fire department in  
4 the event that it was going to be a -- a  
5 transport.

6 Q. And a "transport" means what?

7 A. A medical eval transport.

8 Q. Okay. And what was your thinking about why  
9 it would be good to have somebody from Eliot  
10 there?

11 A. About -- just before the -- the assistance  
12 with the Section 12 transport, prior to that, I  
13 had -- I had met with Brendan out in front of the  
14 house, and we'd received a couple calls to our  
15 dispatch that there was an individual yelling out  
16 in front of the driveway, so I went to check it  
17 out and made contact with him.

18 I had a very brief conversation with him,  
19 and then he ran back in the home.

20 I wasn't really comfortable with that. I  
21 wasn't going to go running back into the house,  
22 but I also didn't feel comfortable just leaving  
23 it at that.

24 So I called the Eliot Community Service  
25 Center and actually got hold of a clinician. And

1 I believe it was a Saturday on that day. It  
2 was -- it was a weekend.

3 And so I spoke with the clinician and  
4 explained to them the situation.

5 And they said that they would have  
6 someone come out either that day or later on the  
7 next day and have someone check on him.

8 Q. Okay. So this is on a prior instance, prior  
9 to February 12th?

10 A. Yes.

11 Q. Okay.

12 A. About a year prior. A little bit more.

13 MR. VAN EPPS: Can I have that packet I  
14 was going through this morning?

15 THE CLERK: Um-hum.

16 (Pause.)

17 BY MR. VAN EPPS:

18 Q. Sir, I'm showing you a portion of Exhibit 92.

19 Do you see that this is a report; it's  
20 titled, Medical: Section 12 Committal?

21 Do you see that?

22 A. Yep.

23 Q. Okay. Just take a look at that.

24 Do you -- do you see your name listed as  
25 one of the responding officers there?

1 A. Yes.

2 Q. Okay. And are you a familiar with what  
3 happened on that call?

4 A. Yes.

5 Q. Okay. And just in substance, very briefly  
6 what occurred?

7 A. So what prompted this medical Section 12 was  
8 the incident where I had first initiated contact  
9 with Brendan and when I spoke with the Eliot  
10 Service clinician that day after they had  
11 somebody come out and check on him. And that's  
12 when they issued this Section 12.

13 So, on this day, I was there for the  
14 assistant for -- for the transport.

15 Q. Okay. And were you able actually do the  
16 Section 12 and get Mr. Reilly to a hospital?

17 A. Yes.

18 Q. Okay. How did that -- how did that unfold in  
19 substance?

20 A. So we met with the clinician at the home.

21 At the time we did not have the -- the  
22 copy of the Section 12 in hand, and so we kind of  
23 stood by on Hamilton Street with the clinician  
24 waiting for that and had not called for the fire  
25 department just at -- at that time because we

1 were still waiting for that copy.

2 And so, since we didn't have the copy,  
3 Brendan had noticed that we were sitting there  
4 waiting.

5 And he walked up the street -- up North  
6 Hancock Street towards Bedford Street.

7 And so by the time that the copy had come  
8 to us, then we kind of drove up North Hancock and  
9 made contact with him over by Bedford Street.  
10 By -- almost near the highway, Route 425 and  
11 Route 95.

12 Q. And what happened there?

13 A. So Sergeant Redman, and Officer  
14 (indiscernible), they pulled up pretty close to  
15 him along with the medics, they arrived shortly  
16 after. And -- and at first I parked a little bit  
17 further down the road, just so I didn't want  
18 to -- just congest the whole area.

19 It looked -- from what it looked to me  
20 that Brendan started to get volatile with them  
21 and uncooperative.

22 And so -- so I approached with a  
23 less-lethal -- not -- not pointing, just at a low  
24 ready.

25 As soon as I walked towards him, he

1 complied, and he went right into the medic.

2 Q. He got into the ambulance?

3 A. He did. Yep.

4 Q. Is that the same less-lethal you're referring  
5 to as having on February 12th?

6 A. Yes.

7 Q. Meaning it's -- it's the -- the Remington  
8 pump-action 870 shotgun; it's got an orange --

9 A. Right.

10 Q. -- marking on it?

11 Okay. All right.

12 And so you requested dispatch to call  
13 Eliot.

14 What -- did anybody from Eliot come out.

15 A. On which day?

16 Q. On February 12, 2022.

17 A. No. To the best of my knowledge, no.

18 At the moment when I called I -- I  
19 understand that dispatch had made an attempt;  
20 but, while we were there, they did not come out.

21 Q. Okay. And you requested fire or ambulance  
22 come out?

23 A. Yes.

24 Q. And do you know whether or not they did come  
25 out?

1 A. They did they, yes.

2 Q. Where'd they go, if you know?

3 A. I believe they were staged on Hamilton and  
4 North Hancock.

5 Q. Okay. Did your backup officer, Officer  
6 Frissore show up?

7 A. Yes.

8 Q. Okay. Where did you meet him?

9 A. I met Officer Frissore on the side of the  
10 driveway of 98 Hancock Street.

11 He approached from the street that was, I  
12 believe, Hamilton. He walked over and met me in  
13 the driveway.

14 Q. Okay. Did he -- did he tell you anything at  
15 that point?

16 A. He said he talked with the neighbor. The  
17 neighbor advised that -- that Brendan, the  
18 individual that was in question, had a knife.

19 Q. Okay. At this point, had you seen or -- or  
20 located --

21 A. Not yet.

22 Q. -- Brendan Reilly?

23 A. Just before that -- because I was in the  
24 front of the house and -- by the front door  
25 walking up the front steps, I could hear a third

1 individual, but I couldn't really ascertain where  
2 it was, where the noise was coming from.

3 I assumed at the time it was from the  
4 inside of the home.

5 Q. Okay.

6 A. The back side of the --

7 Q. So hearing that there may be an individual  
8 with a knife, what did you do at that point?

9 A. So at that point, Officer Frissore met me in  
10 the driveway.

11 And he was able to view Brendan and he let  
12 me know that he was at the back of the yard at  
13 the corner of the house, and he confirmed that he  
14 had a knife in his hand.

15 Q. Okay. Had you seen him yet?

16 A. No.

17 Q. No?

18 A. I just heard him.

19 Q. But, hearing this from Frissore, what did you  
20 do next?

21 A. So I moved over closer to him, observed  
22 Brendan, saw the knife in his hand, and we both  
23 engaged.

24 I said I was going to go get the  
25 less-lethal --



1 Q. Okay.

2 A. -- shotgun Remington 870.

3 Q. And so your cruiser's parked basically across  
4 the traffic circle --

5 A. Yes.

6 Q. -- closer to the Diamond school? Okay.

7 Did you, in fact, go to your cruiser?

8 A. I did, yes.

9 Q. And what did you come back with?

10 A. The Remington 870 less-lethal.

11 Q. And, while you were doing that, to your  
12 knowledge, where was Frissore?

13 A. He was in the driveway still, in the same  
14 position that he was when I first saw him.

15 Q. Okay. All right. So, then, now that you  
16 have this less-lethal weapon you got from your  
17 cruiser, what do you do at that point?

18 A. So Officer Frissore -- I believe he engaged  
19 in conversation with Brendan.

20 And so my concern that he was going to run  
21 on the far back side of the house and go around  
22 the other side.

23 So I told Officer Frissore that I was  
24 going to go around to the front side to meet him  
25 there if, in the event, that Brendan went to the

1 back side to try and escape.

2 Q. All right. So when you -- when you first  
3 start talking to Brendan Reilly, where does that  
4 happen?

5 A. In the backyard.

6 Q. Okay. And describe that backyard.

7 A. It's fenced in, decent-sized backyard, just  
8 boxed in right by the driveway and a -- and a  
9 garage.

10 Q. Okay. So there's a driveway that goes up the  
11 side of the house?

12 A. Yes.

13 Q. There's a fence that separates the property  
14 from the neighbor; there's a garage at the end of  
15 the driveway?

16 A. I believe so, yes. Yep. I believe there's --

17 Q. And then there's --

18 A. -- a garage or a shed or something like that.

19 Q. And so what happens as you're trying to talk  
20 to Mr. Reilly?

21 What is being said, and who is saying it?

22 A. Well, at that point I had moved to the  
23 back -- the -- the middle of the back of the  
24 yard; and Officer Frissore -- if I was looking at  
25 the back of the house, Officer Frissore was to my

1 left. And Brendan was right along side the  
2 foundation of the home.

3 Q. Okay.

4 A. And just numerous attempts to just ask him  
5 relentlessly just to drop the knife, and we'd get  
6 him help.

7 And he just kept on yelling back at us  
8 and...

9 Q. Okay. So he's sort of right along the edge  
10 of the house?

11 A. Yes.

12 Q. Okay. As you're talking to him -- pretend  
13 that I'm him.

14 A. Um-hum.

15 Q. Should I -- are you closer than we are now,  
16 or should I back up?

17 A. Back up.

18 Q. Okay. Just tell me when to stop.

19 A. About there.

20 Q. Okay. All right. So you're -- you're  
21 talking to him.

22 A. Yes.

23 Q. Who's doing the talking, you or Frissore?

24 A. Basically both of us at that time.

25 Q. Okay. You're asking him to drop the knife?

1 A. Yes.

2 Q. Tell me about the tone and the volume of the  
3 voice that you are using.

4 A. The tone that I'm using?

5 Q. Yes.

6 A. I'm -- I'm commanding at that point, trying  
7 to be assertive --

8 Q. Okay.

9 A. -- because I'm concerned this individual has  
10 a knife and --

11 THE COURT: And can you just -- for the  
12 record.

13 THE WITNESS: And --

14 THE COURT: -- estimate the -- the -- the  
15 distance is about 15, 20 feet?

16 Is that fair.

17 MR. VAN EPPS: I'd -- I'd say probably  
18 closer to 20.

19 THE COURT: Yeah. And --

20 MR. VAN EPPS: The witness to the --

21 THE COURT: I'm going longer than a foul  
22 shot so --

23 THE WITNESS: So I -- I just remember  
24 where the back of the fence was, it seemed like  
25 it was really, really close to me.

1           And I just really had nowhere to back up  
2 to. I was kind of in a position where I was  
3 backed up against the fence.

4 BY MR. VAN EPPS:

5 Q. Okay. Is that a -- is that a very deep  
6 backyard?

7 A. No.

8 Q. Okay. You're talking to him; as you're both  
9 talking, you have your less-lethal.

10           Is that what you're holding?

11 A. I'm holding it, yes.

12 Q. And how were you will holding it, meaning up?  
13 Down? Is it slung?

14 A. At the -- slung with the low ready.

15 Q. Can you --

16 A. Lowered like this.

17 Q. -- show me?

18           So it's down in front of you?

19 A. Down in front.

20 Q. The muzzle is pointed where?

21 A. The muzzle's pointed at the ground.

22 Q. Okay. Do you have any other weapons in your  
23 hands?

24 A. No.

25 Q. Okay. What about Officer Frissore?

1 A. He has his baton.

2 Q. Okay. Extended?

3 A. Yes.

4 Q. So you -- we did a minute ago, I backed up  
5 about 20 feet from you.

6 Where is Frissore in relation to you?

7 A. To my left --

8 Q. Okay.

9 A. -- closest to the driveway.

10 Q. Okay. And could you estimate how far he was  
11 from Mr. Reilly?

12 A. About the same distance.

13 Q. Okay. So meaning 20 feet or so?

14 A. Yes.

15 Q. Okay. This is the person you had interacted  
16 with before, Mr. Reilly, right?

17 A. Yes.

18 Q. Were you -- did you try addressing him by  
19 name, or how were you addressing him?

20 A. I addressed him by name. I knew Brendan.

21 Q. Okay. Can you describe the -- the knife that  
22 you saw and how Mr. Reilly was holding it?

23 A. It was down by his side. It looked like  
24 a -- like a large steak kitchen knife, about  
25 seven inches or eight inches in length.

1 Q. Okay. So he's holding it his -- at his side?

2 A. Yes. At the time, yes, like this.

3 Q. Okay. So you're -- you're gesturing with  
4 your right hand.

5 And if I read your gesture right, its --  
6 its blade sticking up passed the thumb?

7 A. Yes.

8 Q. Okay.

9 A. Right.

10 Q. So, as you're addressing him, what responses  
11 if any, are you getting from Mr. Reilly?

12 A. A lot of -- he was in a very agitated state,  
13 clearly looked very disheveled. Continuously  
14 telling us that he was with the Irish mafia.  
15 Fuck off.

16 Excuse my language, but that's --

17 Q. Well, whatever words were heard -- used.

18 A. Yeah. I'll fucking kill you. And just over  
19 and repeatedly.

20 We just kept on saying over and over,  
21 Brendan, just drop the knife, please. We'll get  
22 you help. We'll get you to the hospital.

23 Drop the knife. Drop the knife. Please  
24 drop the knife.

25 Q. Um-hum.

1 A. At that point it was just -- just not even  
2 really thinking, even though I had the  
3 less-lethal slung, muzzle to the ground, it was  
4 continuously just trying to use words to the best  
5 of our knowledge as to maintain, you know, to  
6 have him drop that knife and get him the help  
7 that he needed at that time.

8 Q. Okay. At this point were there any other  
9 officers that you could see, besides Frissore, as  
10 you're dealing with Mr. Reilly?

11 A. Just the two of us. Two officers.

12 Q. Okay. How long does this conversation go on  
13 for or this -- this back-and-forth?

14 A. It felt like a while, but it was probably  
15 only about a minute or so.

16 Q. Okay. And then what happened?

17 A. Before I knew it, Brendan took a hard right;  
18 he looked to the driveway, and he just ran, and  
19 he took off --

20 Q. Okay.

21 A. -- so --

22 Q. Do you remember what he was wearing that day?

23 A. Yeah. He was wearing shorts and a T-shirt.  
24 It was mild out that day. It was unusually  
25 mild --



1 Q. Okay.

2 A. -- about 55, 60 degrees out at least --

3 Q. Okay.

4 A. -- for a February day.

5 Q. And is he shorter or taller than you?

6 A. He's bigger than me. I -- probably five,  
7 ten; five, eleven. I'm about five, seven.

8 Q. Apart from the knife, was he carrying  
9 anything?

10 A. To the best of my recollection, no. Just  
11 the -- the knife was in his hand.

12 Q. Okay. So when he makes that hard right  
13 and -- and begins to run, where does he go and  
14 how far does he get before you're pursuing?

15 A. Say that again.

16 Q. So when he makes that hard right --

17 A. Yes.

18 Q. -- and I presume he runs down the driveway.

19 A. Right.

20 Q. Okay. So then what do you and Frissore do?

21 A. We -- we chase after him.

22 Q. Okay.

23 A. At that moment we just realize that anything  
24 that we were talking with him at that point went  
25 nowhere.

1           And -- and now it wasn't just us -- the  
2 three of us, and now it was going to be involving  
3 potentially more roommates and also other people  
4 on the street.

5           I mean, it was warm day. There was a lot  
6 of people walking and jogging. There's  
7 basketball games going on. The Chabad Center was  
8 busy.

9 Q. The what was busy?

10 A. Chabad Center.

11 Q. Is -- is that the house across the --  
12 where -- where the rabbis live?

13 A. Yes.

14 Q. Okay. Across the circle.

15           And you mentioned roommates a minute ago.  
16 What was your concern specifically vis-à-vis  
17 roommates.

18 A. First initially, James, because I -- the last  
19 when I talked with him he was out in the front  
20 yard.

21 Q. Um-hum.

22 A. And I just didn't know if he was still there  
23 or where his location was.

24           But it was frightening to think that he  
25 could have been in the crossfire of -- of when

1 Brendan took off from us in the backyard where it  
2 was kind of a contained situation.

3 And he just took off running, and now  
4 everything changed at that moment.

5 Q. Had -- had anybody been able to go into  
6 Hancock Street -- into the house to check on  
7 or -- or talk to the, I believe, 911 call? I  
8 think the guy that had been on the window?

9 A. No.

10 Q. Not the caller, I mean the --

11 A. Never even got to that.

12 Q. -- the person who had been hanging out the  
13 window.

14 A. The amount -- the amount of time responding  
15 there and then knowing that Brendan had a knife  
16 in his hand and he was in the backyard, there was  
17 no time for that --

18 Q. Okay.

19 A. -- unfortunately.

20 Q. So --

21 A. We were the only two officers there at that  
22 moment.

23 Q. So where do -- where do Mr. Reilly and the  
24 two of you go from there?

25 A. So Mr. Reilly took off to the driveway and

1 ran up the driveway towards Hancock Street by the  
2 rotary.

3 Q. Okay. And what are you and Frissore doing at  
4 that point?

5 A. We followed him.

6 Q. Okay. And -- and I assume Frissore is  
7 dressed like you, meaning he's in uniform?

8 A. He's in full uniform, yes.

9 Q. Okay. And then what happens?

10 A. So at that point -- so Mr. Reilly was  
11 wearing, like, a long white shirt -- T-shirt --  
12 and, like, basketball shorts. I'm not sure if  
13 his sneakers were tired or not --

14 Q. Um-hum.

15 A. -- but he looked really disheveled; very  
16 dirty; very untucked.

17 And he just looked like he -- as he was  
18 running he tripped, and he hit -- he basically  
19 fell on the ground.

20 Q. And approximately where did that happen?

21 A. That was right around the first rotary.  
22 Like, in -- like, right near the house.

23 So if you're looking at the front of the  
24 house to the left.

25 I'm sorry, if you're looking out to the

1 street, just to the left by the rotary --

2 Q. Okay.

3 A. -- almost in between Hancock Street and,  
4 like, that two-way interchange.

5 Q. Okay. So when he falls, then what happens?

6 A. So I remember him trying to get up, and we're  
7 still giving him commands to stay on the ground  
8 now at that point, you know, doing our best to  
9 just kind of contain this to the point where he  
10 wasn't going to go any further.

11 Q. Okay.

12 A. At that moment he kept on moving, inching,  
13 trying to get back up on his feet.

14 And at that moment I expelled one of these  
15 Super-Socks® from the Remington 870 shot -- or  
16 shotgun.

17 Q. Okay. When he runs and falls -- when you --  
18 does that now allow you to catch up to him?

19 A. Yes.

20 Q. Is he still holding the knife?

21 A. Yes.

22 Q. Is he holding it in the same way or  
23 differently than the way he was holding it behind  
24 the house?

25 A. The same way.

1 Q. Okay.

2 A. But he was on the ground, and he just was  
3 making the attempt to try to get up, back up on  
4 his feet, and to continue running.

5 Q. Okay.

6 A. So repeated commands over and over at that  
7 point was, stay on the ground. Don't move.  
8 Don't move. Drop the knife. Brendan, drop the  
9 knife. We'll get you help. We'll get you to the  
10 hospital. Drop the knife. Stay on the ground,  
11 please. Don't move. Over and over.

12 And he just kept on inching, crawling,  
13 moving.

14 Q. When he is -- Mr. Reilly is on the ground, is  
15 he laying on his back?

16 Is he seated?

17 Is he laying on his chest? How -- can you  
18 describe it?

19 A. I believe --

20 Q. How he's positioned?

21 A. -- the first time he was on his knees trying  
22 to get back up. The first time when he tripped,  
23 right by the rotary.

24 Q. Okay. Now, where was he when you fired the  
25 first of the bean bags at him, to your

1 recollection?

2 A. He was on the ground.

3 Q. Okay. Do you have a sense of where on the  
4 rotary he was, though?

5 A. In front of the rotary, basically. I had  
6 moved -- as I had kind of advanced, I moved to  
7 the right, allowing Officer Frissore to come up  
8 from behind.

9 And at that point I know Officer  
10 Carruthers was arriving at that time, too. So  
11 there was a third officer there.

12 Q. Okay. So you -- you fire one of these bean  
13 bag rounds?

14 A. Yes.

15 Q. Is this is a -- a -- a less-lethal gun that  
16 you've used in real life to fire at people  
17 before?

18 A. No.

19 Q. Just trained on it?

20 A. Just trained on it.

21 Q. Okay. How -- approximately how far were you  
22 from Mr. Reilly when you fired that --

23 A. About 20 feet --

24 Q. -- if you can estimate it.

25 A. -- in that first time that I took that first

1 round.

2 Q. Okay. And could you tell whether or not it  
3 hit him?

4 A. Yes.

5 Q. Where?

6 A. I was aiming for his thigh area.

7 Q. Okay.

8 A. And upon that first -- first round -- through  
9 training, the assumption is that this will stun  
10 somebody and most likely get somebody to comply  
11 if they're doing something they're not supposed  
12 to be doing, or if you're commanding them to stay  
13 on the ground, or don't move, or drop something.

14 At that moment, I was frightened that  
15 that first round didn't do anything.

16 It just -- I know it hit his thigh area,  
17 and it was, like, almost like no -- no reaction  
18 to it.

19 Q. You gestured a second ago to your left thigh,  
20 to the top of it, the front of it?

21 A. Yeah, either way -- it's been over a year  
22 now, like --

23 Q. Right.

24 A. -- as far as when he was on his knees trying  
25 to get back up, if it was his right side or left



1 side but...

2 Q. Was it the front of the thigh?

3 A. I believe so. I can't say for sure, to be  
4 honest --

5 Q. Okay.

6 A. -- with you.

7 Q. And it sounds like you did not perceive any  
8 effect; it didn't --

9 A. No --

10 Q. -- change --

11 A. -- it didn't.

12 Q. Is Frissore still with you at this point?

13 A. We're all together now, at this point, as  
14 far --

15 Q. Okay.

16 A. -- as I remember.

17 Q. So it's you, him -- is Carruthers there yet?

18 A. Carruthers, yes.

19 Q. Okay. And where is he in relation to you and  
20 Frissore?

21 A. Carruthers, at that point was to my left, and  
22 Frissore was to his left.

23 Q. Okay.

24 A. And at then that moment Brendan did gain  
25 access to his feet again, and he started running

1 away again from us, trying to run towards  
2 Burlington Street.

3 Q. Okay. And can you describe the path he took?

4 Was it, you know, counterclockwise?

5 Was it clockwise or on the rotary?

6 Was it through the center?

7 Was it counterclockwise?

8 A. It'd be counterclockwise.

9 Q. Okay.

10 A. Towards Burlington Street.

11 Q. And what happened at that point?

12 A. So he tripped again, and he hit the ground.

13 And -- and so another couple rounds with  
14 the less-lethal trying to gain -- trying to gain  
15 something.

16 It was -- other than him moving, and not  
17 complying, and making this go further away, we  
18 were getting closer and closer to the Chabad  
19 Center.

20 You know, it wa -- my concern right there  
21 was how close we were.

22 It's a neighborhood, like I said, there  
23 was a lot of people. I looked around, and I  
24 could see people walking, standing, and watching  
25 us.

1           It just seemed like there was a lot of  
2 people in harm's way right there.

3 Q. Do you remember the weather conditions that  
4 day?

5 A. It was very warm. It was mild. It was  
6 probably -- it felt like 55, which would have  
7 felt pretty warm for a February day.

8 Q. Oh, all right. So at this point --

9 A. Was I wearing a short-sleeve shirt -- uniform  
10 shirt, so...

11 Q. Okay. At this point where are you -- meaning  
12 the three officers: You, Frissore, Carruthers --  
13 and where is Mr. Reilly in -- in -- in relation  
14 to the rotary?

15 A. So he's just probably on the outside of the  
16 rotary, closer towards Burlington Street, I  
17 believe.

18           I remember my back was to the Chabad  
19 Center. Officer Carruthers was to my left.

20 Q. Um-hum.

21 A. And then to his left was Officer Frissore.

22           And then, I believe, Officer McAleer had  
23 arrived, and he was behind Officer Frissore in  
24 that location area.

25 Q. When Carruthers arrived, did you observe

1 whether he had any weapons?

2 A. So, I believe I had called for a third  
3 cruiser to show up.

4 Q. Um-hum.

5 A. And I think that it was misinterpreted that  
6 when I had relayed that I was going to get the  
7 less-lethal, he was -- I was -- he may have  
8 thought I was calling for him to bring the  
9 less-lethal but...

10 So he brought it anyways. And at that  
11 moment, he had shifted that off to Officer  
12 Frissore, and then he pulled out his 9mm.

13 THE COURT: Can I just interrupt and ask  
14 a question?

15 You said the first time that you took a  
16 shot with the 870 you were about 20 feet away.

17 THE WITNESS: Yes.

18 THE COURT: You just said when he tripped  
19 and fell again, kind of up by Burlington Street,  
20 there were -- I think you said, a couple of  
21 rounds.

22 THE WITNESS: So I -- to the best of my  
23 recollection, I -- I had taken about two rounds  
24 from that first location.

25 THE COURT: And what was the distance

1 between you and Mr. Reilly at that point?

2 THE WITNESS: About 20.

3 And then I moved in closer when I saw  
4 that that first round had no impact and there was  
5 no reaction to it.

6 THE COURT: So it was --

7 THE WITNESS: So I moved in to about  
8 15 feet.

9 THE COURT: All right, so --

10 THE WITNESS: And I was starting to get  
11 too close for what I felt with -- what was a  
12 knife call -- with something that was all most  
13 having the same impact as a paint ball gun.

14 THE COURT: So the second two shots were  
15 from closer than the original shot; am I  
16 understanding that correctly?

17 THE WITNESS: So the first -- first shot  
18 was around 20 feet --

19 THE COURT: Yep.

20 THE WITNESS: -- and I moved into about  
21 15 feet --

22 THE COURT: Okay.

23 THE WITNESS: -- on the second one.

24 THE COURT: All right.

25 BY MR. VAN EPPS:

1 Q. And so you're -- you're moving closer because  
2 you're not perceived -- could you tell whether  
3 those -- those shots actually struck Mr. Reilly?

4 A. Yes.

5 Q. Okay. So when you say you -- you didn't  
6 perceive an impact, you mean, it -- it doesn't  
7 appear to be changing the behavior; that -- that  
8 it's not hitting him?

9 A. Right.

10 Q. Okay. I just wanted to make sure I  
11 understood.

12 You described earlier a radio  
13 transmission or -- or communicating with Officer  
14 Carruthers, something about him bringing a  
15 less-lethal.

16 A. I believe that was when I was going to get  
17 the less-lethal out of the cruiser when I called  
18 for backup.

19 Q. Okay.

20 A. So backup to -- we weren't even in the back  
21 of the yard yet.

22 Q. Okay.

23 A. So Officer Carruthers was there relatively  
24 quick.

25 Q. Okay.

1 A. And so when this was spilling out from the  
2 rear of the yard, down the driveway, to his first  
3 location when he tripped in the middle of the  
4 rotary, Officer Carruthers, from my best  
5 recollection, he had already arrived.

6 Q. Okay. You were dispatched around 12:40 p.m.;  
7 does that sound right?

8 A. I believe so.

9 Q. Okay.

10 A. It seemed earlier, but -- I thought it was a  
11 little --

12 Q. Okay.

13 A. -- earlier than that, but...

14 Q. Do you have a sense of how long it took you  
15 to get from where you were when you heard the  
16 dispatch --

17 A. I was very close by --

18 Q. -- to 98?

19 A. -- just a matter of a minute or two.

20 Q. Okay.

21 A. I was right up off of Bedford Street by the  
22 old Liberty Mutual building, which is very close  
23 to that location. It can't be more than two  
24 miles.

25 Q. Okay.

1           So you're -- you're -- Carruthers hands  
2 off his less-lethal to Frissore?

3       A.    Yes.

4       Q.    Was Frissore holding another weapon before he  
5 got the less-lethal?

6       A.    His baton was out.

7       Q.    All right.  So he's -- did he put the baton  
8 away?

9       A.    Yes.

10      Q.    Okay.

11      A.    At the time in the backyard where I had the  
12 less-lethal and Officer Frissore has his baton  
13 out, it was -- we were just really focusing on  
14 communication and trying to eliminate anything to  
15 go further than that, just to get compliance.

16      Q.    Okay.  So you're closer to the Chabad Center  
17 now.

18           So that's -- that's on the side of the  
19 rotary that's closer to where Burlington Street  
20 feeds into it?

21      A.    Yes.

22      Q.    It's -- it's basically between where the  
23 Diamond driveway is -- where Burlington Street  
24 is?  It's that kind of quadrant?

25      A.    Correct.



1 Q. Okay. And so, who is talking to whom and  
2 what is being said?

3 A. I believe that all three of us were trying to  
4 do our best to communicate -- myself, Officer  
5 Carruthers, and Officer Frissore -- just giving  
6 out a lot of commands.

7 I mean, it was a pretty scary situation  
8 there. I think that we were doing your best to  
9 try to minimize this and try to keep this from  
10 going any further than what it was.

11 So our main focus was just keeping him  
12 set on the ground and not moving any further than  
13 where he was.

14 So there was a lot of, Stay on the  
15 ground. Don't move. We'll get you the help you  
16 need. And it just -- over and over and over,  
17 repeatedly.

18 And there was a lot of feedback towards  
19 us that was anything but compliant.

20 Q. Okay. So let's get a little bit more  
21 specific on that.

22 Which officers are doing the talking?  
23 Who's talking the most?

24 A. Officer Carruthers was. He had a very clear,  
25 cool head as far as his communication. He was

1 holding his 9mm. He was at the low ready.

2 Q. So that means it's pointed where?

3 A. He's -- down at the ground.

4 Q. Okay.

5 A. There was -- it's out, but it's not pointing  
6 at him at the point -- at that moment.

7 Q. Okay.

8 A. And Officer Frissore and I utilizing the  
9 less-lethal; and probably more assertive as far  
10 as, you know -- I knew that the first two rounds  
11 that I had utilized had no reaction.

12 And it was -- it was frightening to think  
13 that it was going to continue that way.

14 Q. Okay. So you described Carruthers as having  
15 a cool head.

16 When he's talking to Mr. Reilly, how is he  
17 addressing him and what is he telling him, as  
18 specifically as you can recall?

19 A. Basically, just, Brendan, just -- just drop  
20 the knife, please. We'll -- we'll -- we'll get  
21 you to the hospital. We'll get you whatever you  
22 need.

23 We'll get you a transport. We'll get you  
24 help. Just, please, drop the knife.

25 Q. Okay. And, as specifically as you can

1 describe, what is Mr. Reilly responding with, if  
2 anything?

3 A. Fuck off. I'll kill you. I'm the fucking  
4 Irish mafia.

5 Q. So you described Carruthers as doing the  
6 majority of the talking at point.

7 Where there other officers sort of pipping  
8 in periodically?

9 A. Just Officer Frissore and I with the  
10 less-lethal trying to be a little bit more  
11 assertive to try to, you know, gain some  
12 compliance there to keep him set on the ground  
13 and not move any further from that location.

14 Q. Okay. Were there additional bean bag rounds  
15 fired at Mr. Reilly?

16 A. I believe that there was two more fired from  
17 that location that I -- that I fired.

18 Q. That you fired?

19 A. Yes.

20 Q. All right. Could you tell whether or not  
21 they struck him?

22 A. I believe so, yes.

23 Q. Do you know where?

24 A. To the best of my knowledge, in the torso  
25 area/in the thigh area was where I was aiming

1 for -- the largest part of his body -- which  
2 would be green -- green area according, to the  
3 Monadnock baton chart, less-lethal chart.

4 Q. Could you tell whether or not Frissore took  
5 any shots at Mr. Reilly with the bean bag?

6 A. I believe so.

7 But I wasn't able to see where his went  
8 because he was to the left of Officer Carruthers.

9 Q. Okay. So he's -- he's --

10 A. If I'm looking -- if your Mr. Reilly --

11 Q. Yep.

12 A. -- Officer Carruthers is to my left, and then  
13 Officer Frissore was to his left.

14 Q. Okay.

15 A. So I really wasn't able to really catch a  
16 view of that.

17 Q. Okay.

18 THE COURT: And, again, what was your  
19 distance at that point --

20 THE WITNESS: At that point --

21 THE COURT: -- you took those other  
22 shots?

23 THE WITNESS: So it started off at  
24 around -- when he first took that first fall  
25 around the 15-foot mark, and -- and still nothing

1 was really working at that point for those two  
2 rounds.

3 At that point I took a few steps back,  
4 and I went for an administrative reload because I  
5 knew I had fired two rounds, so I -- I topped  
6 off.

7 BY MR. VAN EPPS:

8 Q. Okay. The -- the less-lethal shotgun that  
9 you're using, how many rounds does it hold?

10 A. It's four in the magazine.

11 Q. All right. So you -- you load it from  
12 underneath, four rounds.

13 Does it hold the additional rounds outside  
14 that?

15 A. There's six on the side saddle, yes.

16 Q. All right.

17 A. So I took two from the side saddle and  
18 inserted it underneath for administrative load.

19 Q. Okay.

20 A. And I was creating distance at that moment  
21 when I was doing that, walking backwards.

22 Q. Okay. Was there any -- anybody telling  
23 Mr. Reilly that -- that the goal was just to take  
24 him to the hospital?

25 A. Sorry. Just...

1 Q. Was there anybody telling Mr. Reilly that the  
2 goal was really just to get him to a hospital at  
3 this point?

4 A. Anything, as far as just that we'd get him  
5 help; get him transported. Bring him to the  
6 hospital; get him the help that he needed.

7 Q. You had described a minute ago other people  
8 being out in a about.

9 Do you have any sense of whether there  
10 were any people out and about in the -- the  
11 Chabad Center?

12 A. I looked to my rear, and I saw the two rabbis  
13 clearly.

14 I remember seeing them right -- it almost  
15 feel -- felt like they were right -- right behind  
16 me, by a matter of feet.

17 Q. Okay. And what was your -- what was your  
18 reaction in response to that?

19 A. We need to contain this and not let this go  
20 any further before this gets out of hand even  
21 worse.

22 Q. So at this point, has Officer Sullivan  
23 arrived yet?

24 A. Yes.

25 Q. And where is he?

1 A. He parked his cruiser over blocking  
2 Burlington Street.

3 Q. Okay.

4 A. So he would have been towards my right side.

5 Q. Okay. Could you tell whether or not he had a  
6 weapon out?

7 A. I don't believe so. He was just kind of  
8 parked his cruiser just to kind of block traffic  
9 and -- and assist there.

10 Q. Okay. And could you tell whether or not  
11 Officer McAleer had a weapon on him?

12 A. I believe at the time, at first, he had his  
13 OC out. As a --

14 Q. An OC is what?

15 A. Oleoresin capsicum. Basically a pepper  
16 spray.

17 Q. Okay. So -- well, pepper spray -- but it's  
18 OC spray?

19 A. Just trying to keep things at a lowest level  
20 possible; just -- just to minimize any outcome  
21 that was less unfavorable, I mean.

22 Q. Okay.

23 A. But at the same time trying to keep things  
24 contained, which -- which seemed, like,  
25 impossible at that moment.

1 Q. All right. So what's happening as you're  
2 standing near Mr. Reilly over where the rotary  
3 connects to Burlington Street?

4 There's an -- there's a -- that takes you  
5 out of the rotary and splits off into Blake?

6 A. Yes.

7 Q. And there's that crosswalk area there?

8 A. Um-hum.

9 Q. So what is happening over at that point?

10 Is that where you are?

11 A. I don't think I'm that -- we are that close  
12 to Blake.

13 Q. Um-hum.

14 A. But we're still in the intersection.

15 Q. Okay.

16 A. On the --

17 Q. And so what's happening?

18 A. -- on the outside.

19 As far as that, so -- so that's when  
20 myself, Officer Carruthers, and Officer Frissore  
21 were just engaging him and the continuations of  
22 his moment, trying to get back up on his feet  
23 over and over.

24 The knife was still in his hand. He did  
25 not comply with any of our verbal commands at



1 all.

2 Not reacting to any of the less-lethal  
3 Super-Socks® that were making contact with him.

4 And, at that moment -- so when I went  
5 for -- to administrative reload to top off two  
6 rounds that I knew I had fired two, I was  
7 creating distance walking to the rear, towards  
8 the -- towards the two rabbis.

9 Q. And are you doing that turning around and  
10 facing the rabbis's house or are you still facing  
11 Reilly?

12 A. I'm keeping my eyes on Reilly, Mr. Reilly,  
13 and I'm creating distance to the rear --

14 Q. So you're stepping backwards?

15 A. -- walking to the -- stepping back, looking  
16 to the rear.

17 Q. Okay. And what happened next?

18 A. So it was a warm day, but there was still a  
19 lot of snow -- snow-covering on the sidewalks,  
20 and the -- and the snow kind of almost was  
21 melting to the point where it was becoming icy,  
22 hard packed.

23 So as I was stepping up onto the curb,  
24 I -- I went -- my right foot went right to the  
25 rare, and I slid right to the back and went on my

1 backside.

2 Q. What -- what -- could you tell what caused  
3 your foot to do that?

4 A. The ice.

5 Q. Okay.

6 A. The snowbank.

7 Q. And when you say you went down, what position  
8 did you end up in?

9 A. On my back.

10 Q. Okay. And at that point, where was  
11 Mr. Reilly in relation to you?

12 A. As soon as I went down on my back, Mr. Reilly  
13 was almost on top of me.

14 It seemed like that the distance was  
15 gained very quickly; and that knife was no longer  
16 down by the side like this, it was on the  
17 overhead.

18 And I didn't have enough time to even come  
19 back up and regain to get a round off with that  
20 less-lethal, even though I had all shot ready.

21 I -- I actually thought that that was --  
22 that was going to be it.

23 Like, that's -- that was like my last  
24 moment I have, so -- I actually had said to  
25 myself, This is it.

1 Q. So you --

2 A. He was first coming so fast to me, it was  
3 just -- I couldn't believe that that's how  
4 everything was going to end right there, because  
5 I didn't think I would come out of that, that's  
6 for sure. It was pretty horrific.

7 Q. You thought you were going to be stabbed?

8 A. Yeah.

9 Q. So when you're backing up and you go down,  
10 you then become aware that Mr. Reilly's very  
11 close to you.

12 How far had he been before that, do you  
13 have a sense?

14 A. At least 10 or 15 feet, if not more. It's  
15 just the distance was gained so quickly, enough  
16 time -- or not even enough time to be able to get  
17 the rifle back up because I was laying on my  
18 back, and I was just struggling to try to get my  
19 footing, never mind even just getting the muzzle  
20 back up on -- online. It just wasn't enough  
21 time.

22 Q. Okay. So what happened after that?

23 A. I heard three pops.

24 Just before I felt like it was on top of  
25 me, I heard three pops.

1 Q. Okay.

2 A. I -- I knew exactly what that was.

3 Q. What were they?

4 A. I knew that was Officer Carruthers to my  
5 left. He saved my life.

6 Q. To your knowledge, had he been the only  
7 officer who had a -- a -- a -- a pistol drawn  
8 and -- and available at that point?

9 A. Yes.

10 Q. Okay. After the pops, what happened?

11 A. I knew it was over.

12 Q. What did you see?

13 A. I got back up to my footing, stood up, and I  
14 saw Mr. Reilly standing and then collapse to the  
15 ground.

16 Q. Okay. And when he fell, did he fall forward  
17 or backward, or just straight down onto the  
18 ground?

19 A. Just straight down, and he sat on his bottom  
20 side.

21 Q. Okay. And what happened after that?

22 A. I looked over at Officer Carruthers; asked  
23 him if he was okay. He basically did the same to  
24 me.

25 And then we had -- I believe Officer

1 Carruthers or Officer Frissore advised Officer  
2 Sullivan to get the medical bag and to begin  
3 treatment to Mr. Reilly.

4 Q. Could you tell whether Mr. Reilly was still  
5 holding the knife?

6 A. He was still holding the knife at that time,  
7 yes.

8 Q. Okay. And so was anything done about that?

9 A. At that point I believe he then finally  
10 dropped it as he kind of collapsed backwards.

11 And then I believe Officer Frissore came  
12 over close and then kind of kicked it away from  
13 him and moved it away; moved it out of his -- out  
14 of his area.

15 Q. And what was Officer Sullivan doing at this  
16 point?

17 A. He -- he'd run -- ran back to his cruiser and  
18 got the medical bag, and then went over to  
19 Mr. Reilly and began chest compressions; but  
20 within seconds later, the fire department was  
21 already there witnessing the entire event.

22 And Officer -- I'm sorry. The captain,  
23 Gimonico (phonetic), was -- was first on scene  
24 there, and took over.

25 And then --

1 Q. From the fire department?

2 A. Yes.

3 Q. Okay. So, in your estimation, how long did  
4 it take between when Mr. Reilly was shot, fell  
5 down and started receiving medical from Officer  
6 Sullivan?

7 A. Thirty seconds, if that. It just seemed like  
8 it was just -- it happened so quick.

9 I took it all in, and Officer Sullivan was  
10 already there with the medical bag and beginning  
11 treatment.

12 Q. Okay.

13 A. And then the fire department was there within  
14 seconds. They were already staged. They were  
15 right there for the whole -- whole event.

16 Q. Okay. If I can just show you a couple  
17 things.

18 You at one point, a few days after this  
19 incident, were interviewed by the State Police;  
20 is that right?

21 A. Yes.

22 Q. Okay. And it was tape-recorded?

23 A. Yes.

24 Q. And Sergeant DeLucia (phonetic) read you  
25 Miranda warnings during that tape-recording?

1 A. Yes.

2 Q. Okay. And you've listen to that, I take it?

3 A. Yes.

4 Q. Have you reviewed the -- the draft transcript  
5 that was made of that?

6 A. I have, yes.

7 Q. Take a look at that; tell me if you've seen  
8 it before.

9 A. I have, yes.

10 Q. Okay. Is that -- does that appear to be an  
11 accurate transcript of what was said in that  
12 report?

13 A. Given the time, within a few days after, the  
14 most accurate that it probably would be, yes.

15 Q. I'm just asking is the transcript accurate  
16 (indiscernible)?

17 A. Yes. Yes, it is.

18 Q. Okay.

19 MR. VAN EPPS: I'm going to offer this as  
20 the next exhibit.

21 THE CLERK: Exhibit 93, your Honor.

22 (Exhibit 93, Transcript, was marked in  
23 evidence.)

24 THE COURT: Thank you.

25 MR. VAN EPPS: Excuse me.

1 BY MR. VAN EPPS:

2 Q. During your interview with Sergeant DeLucia,  
3 you also -- there were some maps used, you know,  
4 Google Earth maps.

5 A. Yes.

6 Q. And you marked them up at different points in  
7 the interview; is that right?

8 A. Correct.

9 Q. Okay. Just go through this; tell me if you  
10 recognize it.

11 I'll just hand it to you?

12 A. Yes.

13 Q. Okay.

14 MR. VAN EPPS: I'm going to offer this as  
15 the next exhibit.

16 THE COURT: All right.

17 THE CLERK: Exhibit 94.

18 (Exhibit 94, Google Earth maps, were  
19 received in evidence.)

20 MR. VAN EPPS: Oh, I need that one back,  
21 too.

22 THE CLERK: Okay.

23 (Pause.)

24 BY MR. VAN EPPS:

25 Q. All right. So page 1 of 94. I see that



1 there's the handwritten initials SP over here.

2 All right. So you see Burlington Street,  
3 Hancock Street; this one's marked -- I think it's  
4 98 right there?

5 A. Um-hum.

6 Q. 98 Hancock.

7 There's the handwritten initials SP?

8 A. That's where I parked the cruiser when I  
9 first arrived.

10 Q. Okay. So you parked where your initials are  
11 SP on Diamond Drive?

12 A. Yes.

13 Q. You -- there's also -- above where it's  
14 labeled Hamilton Road, right in this green tree  
15 blob, there's the initials JF.

16 Do you see that?

17 A. Yes. Yes --

18 Q. Black and green --

19 A. -- I do.

20 Q. -- so it's -- I understand it's hard to read.

21 Do you see that?

22 A. Yes.

23 Q. Do you remember what you marked that up for?

24 A. I believe that -- that's where Officer  
25 Frissore had parked his cruiser when he first

1 arrived.

2 Q. Okay. On the second page, this appears to be  
3 a -- a street view looking at 98 Hancock, and  
4 there's a -- a circle around one of the windows,  
5 right above the front door.

6 Do you see that?

7 A. Yes.

8 Q. Did you circle that?

9 A. I believe so.

10 Q. And what was that to denote?

11 A. The individual that had -- was yelling out  
12 the front -- the front door or the bedroom.

13 THE COURT: Mr. Van Epps, this is all in  
14 the transcript, right?

15 MR. VAN EPPS: Yes.

16 THE COURT: At least that's my memory.

17 MR. VAN EPPS: Yes.

18 THE COURT: Okay.

19 BY MR. VAN EPPS:

20 Q. And page 3, do you see where it's an overhead  
21 of 98 Hancock?

22 A. Yes.

23 Q. And you see that there's arrows here?

24 There's an arrow to the top right of it?

25 A. Yes.

1 Q. Okay. You marked that up to denote what?

2 A. I believe that was a first area that we had  
3 made contact with Mr. Reilly, in the back of the  
4 yard.

5 Q. And the arrow was for what?

6 A. Where he ran off towards the front of the  
7 house into the street.

8 Q. And page 4 of this exhibit. It looks like  
9 there's a hand drawn black arrow coming out of  
10 98 Hancock and going into the rotary --

11 A. Correct.

12 Q. -- with various initials.

13 Do you see that?

14 A. Yes.

15 That's where we first -- he ran out from  
16 us from the back of the yard.

17 That's where he entered into the street  
18 towards the rotary.

19 Q. And the last page of the exhibit is -- it's  
20 kind of a closer view of Burlington Street, in  
21 between the rotary and where Blake tees off of  
22 it.

23 Do you see that?

24 Do you see the initials here.

25 A. Yes.

1 Q. Do those denote your recollection of where  
2 people were standing at that time?

3 A. Yes, because this area was my backdrop right  
4 here, the shrubs.

5 Q. Okay.

6 A. So I was facing across the street. So, yes.

7 Q. You're aware that the Lexington Police  
8 produced certain training records for you; is  
9 that right?

10 A. Yes.

11 Q. And you've had had a chance to look at those?

12 A. Yes.

13 Q. Okay. You just -- tell me if you've seen  
14 those before.

15 Just page through them?

16 A. Yes, I've seen them.

17 MR. VAN EPPS: Can I have these  
18 collectively marked?

19 (No audible marking.)

20 BY MR. VAN EPPS:

21 Q. Do you see at least the first page of this  
22 packet of paper indicates July 2021 -- 2021  
23 firearms deescalation/mobile training?

24 A. Yes.

25 Q. Do you see that there's -- May 19, 2021,

1 there's firearms qualification, pistol rifle --  
2 and that's cut off and it begins -- it's a word  
3 that begins with a capitol L.

4 A. Less-lethal.

5 Q. Less-lethal.

6 MR. VAN EPPS: I just offer these as the  
7 next exhibit.

8 THE COURT: Ninety-five.

9 THE CLERK: Ninety-five.

10 (Exhibit 95, 2021 firearms  
11 deescalation/mobile training packet, was received  
12 in evidence.)

13 MR. VAN EPPS: And they can be stapled.

14 (Pause.)

15 BY MR. VAN EPPS:

16 Q. At some point after this, you were approached  
17 by one of your commanding officers, Captain  
18 Mazerall; is that right?

19 A. Yes.

20 Q. And were you asked to fill out a --

21 A. Use of force.

22 Q. -- use/show of force report?

23 A. Yes.

24 Q. Is that what I've handed you?

25 A. Yes, there's --

1 MR. HEINEMAN: Can I see that?

2 MR. VAN EPPS: Yes.

3 MR. HEINEMAN: That's never been  
4 produced.

5 (Discussion held off the record.)

6 THE CLERK: Ninety-six.

7 (Pause.)

8 (Exhibit 96, Use/Show of Force Report,  
9 was received in evidence.)

10 BY MR. VAN EPPS:

11 Q. When -- when you fell, did you have -- from  
12 your testimony it sounds like you were holding  
13 the less-lethal, the Remington 870.

14 Did you have any other intermediary or  
15 less-lethal weapons available that you could  
16 easily grab at that point?

17 A. No, because I was still holding on to the  
18 less-lethal rifle. So --

19 Q. In terms of your -- I'm sorry.

20 A. I -- and I -- I wasn't going to give that up.

21 Q. Okay. In terms of your equipment and what  
22 you were wearing -- you're wearing a short-sleeve  
23 uniform shirt.

24 Any body armor? Anything like that?

25 A. Yes.

1 Q. Okay.

2 A. This.

3 Q. Body armor for?

4 A. Ballistic vest.

5 Q. And that's designed to work against what?

6 A. Against 9mm -- my own round.

7 THE COURT: Not edged weapons, correct?

8 THE WITNESS: Correct.

9 MR. VAN EPPS: Judge, I think that's all  
10 I have.

11 THE WITNESS: A soft (indiscernible)  
12 Kevlar.

13 EXAMINATION

14 BY MR. MCDONALD:

15 Q. Just one question.

16 What's your understanding of whether the  
17 vest that you had on could protect you from a  
18 knife blow?

19 THE COURT: That's the question I just  
20 asked.

21 MR. HEINEMAN: Okay, I'm sorry. I didn't  
22 hear that.

23 THE COURT: So...

24 And I think the answer was no.

25 MR. HEINEMAN: Okay. Thank you.

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EXAMINATION

BY HEINEMAN:

Q. Good morning, Officer Papia.

I'd like to start by talking about time and tone. Let's start with tone.

You never once raised your voice here today in your testimony, right?

A. I'm sorry?

Q. You haven't raised your voice once here today, correct?

A. Correct.

Q. That's different from --

THE COURT: And just --

MR. HEINEMAN: -- from how you --

THE COURT: -- Mr. Heineman, I just want to remind you what the purpose of your questioning is.

MR. HEINEMAN: I understand the focus of my questioning, Judge.

THE COURT: Right.

MR. HEINEMAN: I do.

THE COURT: All right.

BY MR. HEINEMAN:

Q. The -- the tone you were using that day is what you call your command tone, right?



1 A. I was assertive, yes.

2 Q. Okay. Your voice was raised when you were  
3 telling Brendan, drop the knife, drop the knife?

4 A. In the beginning, no; but as it progressed  
5 out to the roadway and it was going on and there  
6 was no compliance, yes.

7 Q. All right. Would you give me an example.

8 Use the actual tone of voice that you used  
9 at it's loudest?

10 THE COURT: So, again, I don't find that  
11 to be helpful.

12 MR. HEINEMAN: You don't?

13 THE COURT: I don't.

14 I'm sure at certain points he was  
15 probably yelling at Mr. Reilly.

16 MR. HEINEMAN: Can we get the witness to  
17 say that, your Honor --

18 THE COURT: I think he already did. He  
19 used a command --

20 MR. HEINEMAN: -- because I think that --  
21 I think that affects --

22 THE COURT: Again, I actually don't think  
23 that -- it may be helpful for your case. It's  
24 not helpful for mine.

25 MR. HEINEMAN: Judge, we have a

1 fundamental misunderstanding.

2 I -- this has got nothing to do with my  
3 case. I don't have a case.

4 THE COURT: Okay. So --

5 MR. HEINEMAN: I'm trying to get the  
6 facts about what happened that day.

7 THE COURT: So -- but -- then let's --  
8 then let's talk about your role. Okay?

9 MR. HEINEMAN: Yes.

10 THE COURT: Your role, which I've given  
11 you great leeway on, you don't actually have a  
12 right to ask questions.

13 MR. HEINEMAN: I understand, your Honor.

14 THE COURT: Okay? I don't find this  
15 helpful.

16 MR. HEINEMAN: Then I'll move to a  
17 different area, your Honor.

18 But I think understanding the what  
19 happened that day --

20 THE COURT: But understand --

21 MR. HEINEMAN: -- and actual events of  
22 that day --

23 THE COURT: Not to interrupt you, but I  
24 understand from his testimony on direct that he  
25 was less assertive in the backyard; that they

1 were talking in a -- that he was having almost  
2 a conversational tone, because he didn't want it  
3 to escalate, and things went sideways when  
4 Mr. Reilly ran out of the backyard.

5 And at various times he said, Carruthers  
6 was using more of a soft tone; he and Frissore  
7 were more command tone, yelling, louder.

8 And I also have other witnesses that have  
9 testified to the same thing.

10 MR. HEINEMAN: I understand that, your  
11 Honor. But you can't possibly conceive that I  
12 need to know what you already understand.

13 THE COURT: You don't need to know  
14 anything. You don't need to know anything. I  
15 do.

16 MR. HEINEMAN: I -- I understand.

17 And I just want to make sure that you  
18 have that fact; and you're telling me you do  
19 that.

20 That's fine.

21 THE COURT: I do.

22 MR. HEINEMAN: I'll go to something --

23 THE COURT: I do.

24 MR. HEINEMAN: -- else.

25 BY MR. HEINEMAN:

1 Q. So with regard to time, the total length of  
2 time between the time that you first encountered  
3 Brendan in the backyard to the time he was  
4 ultimately shot and killed was how long?

5 A. Approximately or exactly?

6 THE COURT: As best as you can recall.

7 A. It felt like a long time but it was probably  
8 around 15 minutes or so, maybe 20, to the best of  
9 my recollection.

10 BY MR. HEINEMAN:

11 Q. And with regard to when you first arrived at  
12 the home, today you told us that James gave you  
13 Brendan's name?

14 A. Yes.

15 Q. That's not what you told Officer -- Sergeant  
16 DeLucia when he interviewed you, right?

17 MR. MCDONALD: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: To the best of my  
20 recollection, that's what I thought I'd -- it  
21 said.

22 BY MR. HEINEMAN:

23 Q. So if the transcript doesn't say that --  
24 well, strike that.

25 A. It didn't --

1 Q. I'll move on.

2 Do you remember telling this -- the  
3 trooper that interviewed you that you assumed you  
4 were looking for Brendan?

5 A. Not assumed.

6 I had prior knowledge that Brendan was  
7 back at the home and --

8 Q. You had prior -- prior knowledge that Brendan  
9 was back in the home.

10 A. Yes.

11 Q. And, thus, when you went to the -- the house  
12 that day you assumed that you person you were  
13 looked for was Brendan?

14 A. Most likely. I think it was fair to say.

15 Q. Okay. That's what you told the sergeant in  
16 your interview?

17 A. Yes. That's correct.

18 Q. And it wasn't James that said anything about  
19 Brendan, right?

20 A. I know that James mentioned --

21 MR. MCDONALD: Objection, again.

22 He's -- he's attempting to impeach the  
23 witness.

24 THE COURT: Right. So what is the  
25 purpose of the questioning, because you're not

1 allowed to impeach him.

2 MR. HEINEMAN: Your Honor, I -- I -- I  
3 guess I struggle with I -- I -- I thought this  
4 was trying to get to what actually happened that  
5 day.

6 THE COURT: Right. So --

7 MR. HEINEMAN: And to the extent he's  
8 told two different versions of what happened that  
9 day, I thought that might assist your Honor --

10 THE COURT: It --

11 MR. HEINEMAN: -- in the fact finding.

12 THE COURT: It does.

13 But you -- there's a way of asking the  
14 question, but it can't be a hard -- I'm not  
15 saying it's a hard cross, but it can't be -- it  
16 can't be impeachment -- so -- and, again, as I  
17 understand his testimony, he's had prior dealings  
18 with Mr. Reilly.

19 He Section 12'd Mr. Reilly sometime in  
20 2021, I believe the testimony was, a year prior  
21 to the incident.

22 That when he went there, James was  
23 outside, and -- and he thought there was some  
24 incident going on with the three people that were  
25 living there.

1           There was the guy hanging out the window.

2           There was Mr. -- Mr. -- there was  
3 Mr. Hanify, who had come -- came outside.

4           And the testimony on direct was he's  
5 messed up. He's on something. I knew there was  
6 something about three -- the three tenants. And  
7 that James said something about Brendan.

8           And that he been there before on a  
9 Section 12 and he'd actually helped Section 12  
10 Mr. Reilly in the past, and he was familiar with  
11 Mr. Reilly.

12           So --

13           MR. HEINEMAN: Thank, your Honor.

14 BY MR. HEINEMAN:

15 Q. So the prior incident that you talked about  
16 at length when Brendan was sectioned about a year  
17 before, Brendan was not armed on that day, was  
18 he?

19 A. Not that I knew of.

20 Q. Brendan had not assaulted any police officer  
21 or any other person that day, had he?

22 A. From my training and experience, the way he  
23 was acting toward the officers, it assumed that  
24 he was.

25           And so I approached with caution, just to

1 have something for protection; and, if it was not  
2 needed, it was put away immediately.

3 THE COURT: And, as I understand your  
4 testimony, as soon as he -- it appears as soon as  
5 he saw the less-lethal shotgun --

6 THE WITNESS: He immediately --

7 THE COURT: -- he cooperated and walked --

8 THE WITNESS: -- immediately --

9 THE COURT: -- to the back of the  
10 ambulance.

11 THE WITNESS: And -- and it was instant  
12 compliance, which was completely the opposite  
13 from the day of the 12th.

14 BY MR. HEINEMAN:

15 Q. The training you received from Lexington,  
16 with regard to the use of the less-lethal, did  
17 you believe the use of the less-lethal on that  
18 occasion was in accordance with the training?

19 A. I just arrived with it at the low ready. I  
20 didn't use it. I just had it.

21 I didn't point it. I didn't chamber it.  
22 I was at the low ready, and I just walked  
23 towards.

24 Q. So did you believe that was in accord with  
25 the training or not?



1 A. I believe so, yes.

2 Q. Let me move to the bean bags and your use of  
3 the bean bags that day.

4 Have you listened to the audio of the last  
5 10 seconds of Brendan's life?

6 A. Yes.

7 Q. And I'm going to play that for you at some  
8 point; but I'm going to ask you, on that audio,  
9 do you hear a Super-Sock® round and a second  
10 Super-Sock® round, and then the final gunshots?

11 A. I don't believe so.

12 Q. You don't believe so?

13 MR. HEINEMAN: All right. Let me just  
14 play it if I could then, your Honor.

15 THE COURT: Um-hum.

16 MR. VAN EPPS: Is this the Mukherjee  
17 (phonetic) video?

18 MR. HEINEMAN: Yes.

19 MR. VAN EPPS: I believe that's already  
20 in evidence.

21 THE COURT: Yep.

22 MR. VAN EPPS: I think it went in the  
23 first day.

24 MR. MCDONALD: Which -- which video --  
25 which video is this?

1 THE COURT: One -- one -- one of the  
2 neighbors.

3 MR. HEINEMAN: So this is the Mukherjee  
4 video. I'll try to play it, and we'll see how  
5 the volume is.

6 THE COURT: I believe it's Exhibit 12.

7 MR. VAN EPPS: 12.

8 (Video played 11:52:44 through 11:52:48.)

9 MR. HEINEMAN: I'll play it again from  
10 the start.

11 (Video played 11:53:00 through 11:53:09.)

12 BY MR. HEINEMAN:

13 Q. That's the video and audio you've heard  
14 before?

15 A. Yes.

16 Q. All right. And you understand that the first  
17 sound we're hearing is the sound of a Super-Sock®  
18 round?

19 A. I believe so.

20 Q. And then four seconds later a second  
21 Super-Sock® round?

22 A. Okay. Yes.

23 THE COURT: If -- if -- if you know.

24 THE WITNESS: I -- I think. I believe  
25 so.

1 MR. HEINEMAN: Well -- well, let's watch  
2 the --

3 THE COURT: We don't have to listen it to  
4 it again. That's for me, not for him.

5 I have to -- he -- frankly, his opinion  
6 of whether or not it was a Super-Sock® round or  
7 not doesn't matter to me.

8 MR. HEINEMAN: What --

9 THE COURT: I don't -- I don't care  
10 whether he -- he thinks it is or not. That's for  
11 me --

12 MR. HEINEMAN: It's just the foundation  
13 for my next question, Judge.

14 THE COURT: Then -- then ask the next  
15 question.

16 We don't -- I don't have to listen to  
17 again if he's unsure.

18 MR. HEINEMAN: I -- I think he was unsure  
19 on the time but --

20 THE COURT: No. I -- I -- I asked him  
21 what -- do you know whether or not it was a  
22 Super-Sock® round or not?

23 THE WITNESS: I'm not sure. I -- I can  
24 hear that the file --

25 THE COURT: Yeah. I can hear two pops

1 followed by a rapid succession of shots.

2 And those two pops sound different than  
3 the shots --

4 THE WITNESS: Correct.

5 THE COURT: -- that I believed to be  
6 bullet -- bullets being fired.

7 BY MR. HEINEMAN:

8 Q. In the last 10 seconds of Brendan's life, you  
9 got closer to him to fire another bean bag round,  
10 correct?

11 A. No, I removed myself from the distance,  
12 creating distance to the rear as I was reloading.

13 Q. The last shot that you fired -- the last  
14 shotgun shell that you fired -- Brendan was on  
15 the ground in the roadway on Burlington Street,  
16 correct?

17 A. Correct.

18 Q. He was closer to you than the yellow line,  
19 right?

20 He was on that side of the road?

21 A. Can I see that map again, please?

22 Q. Sure.

23 MR. HEINEMAN: May I approach, your  
24 Honor?

25 THE COURT: Yeah.

1 A. Yes.

2 Q. And you were on the roadway --

3 A. Correct.

4 Q. -- when you fired your last shot?

5 A. Correct.

6 Q. So the distance between you and Brendan when  
7 you fired your last shot was, at the farthest,  
8 the width of that lane of travel, correct?

9 A. Sir, I was moving left and right, forward,  
10 and to the rear; continuously moving, so I could  
11 have the best shot placement as possibly due to  
12 Brendan Reilly's movement, fidgeting on the  
13 ground, not staying still.

14 So whether it was a diagonal, to the  
15 right, to the left, all I was doing was just  
16 doing the best to create the distance to make a  
17 reload.

18 Q. I'm just trying to get at how close you were,  
19 sir, when you fired that last shotgun shot.

20 And am I right that it had to have been  
21 the less than the width of that lane of travel?

22 A. I cannot say that for sure, sir.

23 Q. You -- were you getting frustrated at the  
24 lack of --

25 A. I was scared, sir, for my life.

1 Q. Were you getting frustrated, sir, at the lack  
2 of effectiveness of the bean bag rounds?

3 A. No, sir. I was scared.

4 And I was doing everything I could to  
5 minimize this potential threat to other people in  
6 the area.

7 That's my job. And did what I have work?  
8 No.

9 And I had to deal with that. And I had  
10 to do everything I could to try to make it work,  
11 and it still didn't work.

12 And there was no compliance; no  
13 understanding. There was no reasoning.

14 So the platform that I had was no more  
15 than a paint ball gun.

16 Q. Do you remember telling the sergeant that the  
17 ineffectiveness of this weapon was almost  
18 overwhelming?

19 A. Yes, it was, to the fact that I didn't know  
20 which way this was going to go -- further towards  
21 the Chabad Center or over towards Burlington  
22 Street or up Blake.

23 Q. And that --

24 A. It was frightening.

25 Q. And, in addition to be frightening, you felt

1 it was going on too long, correct?

2 A. I felt that it was going on for a long time,  
3 yes.

4 Q. Too long.

5 A. A long time. What felt like a very, very  
6 long time.

7 Q. Do you remember telling the sergeant that  
8 this was going on and going on, quote, it is  
9 going on too long?

10 A. If that's what it says, that's what --  
11 that's -- that's how I felt at that moment.

12 Q. And because of the ineffectiveness of the  
13 weapon on the prior shots and the fact that this  
14 was going on too long, in the moments before you  
15 began to back up and reload, is it correct that  
16 you moved forward to make that last shot closer  
17 so it would be more effective?

18 A. I made -- closer, yes.

19 Q. And when you fired that last shot, you were  
20 well within 15 feet, correct?

21 A. I'm not sure of the effect distance, sir.

22 I know it was close -- too close.

23 THE COURT: Just -- just wait for the --

24 BY MR. HEINEMAN:

25 Q. I want to talk about the knife just a little

1 bit.

2 At the end when you described for the  
3 district attorney Brendan coming at you with a  
4 knife, you had your hand up like this?

5 A. That's correct.

6 Q. Which way was the blade pointing?

7 A. Right towards my face.

8 Q. That's the opposite direction from what it  
9 had been before when he was on the ground?

10 A. Yes.

11 Q. Did you see him transfer it?

12 A. No. I was on the ground on my back, looking  
13 straight up in the sky.

14 Q. With regard to the -- the knife, you say  
15 Brendan had it in his hand -- right hand -- when  
16 he fell to the ground --

17 A. Yes.

18 Q. -- is that right?

19 A. Excuse me.

20 Q. It was after Brendan fell to the ground that  
21 the knife was removed by Officer Frissore; is  
22 that right?

23 A. I believe so, yes.

24 Q. And did you see where the knife went at that  
25 point?



1 A. Probably about somewhat of a distance away  
2 from him at that moment, just...

3 THE COURT: Mr. Van Epps, if you can just  
4 grab the exhibit.

5 THE WITNESS: Oh, I'm sorry.

6 THE COURT: When the witnesses get  
7 nervous they start to crumble them up.

8 THE WITNESS: Sorry.

9 MR. HEINEMAN: All right. Your Honor,  
10 just to lay the foundation for the last question  
11 about the knife, I need to briefly show him the  
12 Hine video and two pictures, so if you will bear  
13 with me.

14 THE COURT: Keep -- why don't we try  
15 asking the questions and finding whether or not  
16 that's going to be helpful for me.

17 BY MR. HEINEMAN:

18 Q. Do you remember --

19 THE COURT: Because -- and just for  
20 that -- I was going to interrupt Mr. Van Epps  
21 when he was going through the other things,  
22 too, because all these things I can look at and  
23 read.

24 And I have looked at and read most of  
25 them anyway, so...

1 MR. HEINEMAN: I think it --

2 THE COURT: And I'm -- I'm not going  
3 to -- if it is helpful, I will let you do it.

4 MR. HEINEMAN: I hope it's helpful.  
5 That's -- that's my purpose in doing it.

6 So let me just first show the Hine video.  
7 We'll watch it. Just quickly. Hopefully it will  
8 play.

9 (Video plays 12:01:19 through 12:01:25.)

10 BY MR. HEINEMAN:

11 Q. Did you see, in the distance on the Hine  
12 video, Officer Sullivan dropping that blue bag?

13 A. If you're asking for me to see that video, I  
14 can't see that from here.

15 MR. HEINEMAN: Okay. Can I just have him  
16 come closer --

17 THE WITNESS: Not even close.

18 MR. HEINEMAN: -- to take a quick look at  
19 it?

20 THE COURT: Well, and, again, I mean,  
21 I've seen -- so -- just -- I --

22 MR. HEINEMAN: I imagine the blue bag is  
23 going to be (indiscernible).

24 THE COURT: So just ask that. Because --  
25 because -- I can see -- I know Sullivan dropped

1 the bag.

2 I know Frissore kicked the bag -- kicked  
3 the gun away. I'm not quite sure whether or not  
4 he sees that as helpful to me.

5 So what's the question?

6 MR. HEINEMAN: I want to know how the  
7 wife -- knife ends up under that bag.

8 THE COURT: I don't know. Ask him.

9 MR. HEINEMAN: That's what I'm trying to  
10 get to --

11 THE COURT: Right. But -- but -- but  
12 we -- we know that the bags there. We know  
13 Sullivan dropped the bag. I mean, for all we  
14 know, maybe he kicked it. I don't know. I don't  
15 know.

16 But -- but the -- the fact that Sullivan  
17 drops the bag and Frissore is kicking the  
18 knife -- or Frissore's kicking the hand, why  
19 would he be kicking the hand, unless it had the  
20 knife in it; but that's what he's testified to.

21 And from that video we can't see the  
22 knife anyway. We know where the knife ended up.

23 MR. HEINEMAN: I'm happy to either do it  
24 by questioning or just explain the purposes, your  
25 Honor.

1           But the Hine video is immediately after  
2 the shooting.

3           THE COURT: Right.

4           MR. HEINEMAN: The photos from Hutchinson  
5 are immediately after the shooting.

6           If you look at those, you'll see the blue  
7 bag is sitting right next to the second white  
8 stripe on the crosswalk.

9           THE COURT: Okay.

10          MR. HEINEMAN: When you look at the  
11 evidence photos of where the knife is found, it's  
12 underneath that bag.

13          So there's no way the knife could have  
14 been in Brendan's hand when Sullivan drops that  
15 bag on him.

16          THE COURT: Unless somebody moved the  
17 knife.

18          MR. HEINEMAN: Unless somebody moved the  
19 knife.

20          So I --

21          THE COURT: I -- I don't know what -- I  
22 don't whether that -- I -- again --

23          MR. HEINEMAN: It goes to whether my  
24 client had -- had the knife in his hand at the  
25 time of shooting. And some witnesses say he had

1 thrown it.

2 THE COURT: Right. Well -- okay. Right.  
3 I think it was -- I think it was Mr. Han --  
4 Mr. Hanify and -- and Mr. Chang, I think, said he  
5 threw it so...

6 MR. HEINEMAN: And -- and -- and I -- if  
7 he --

8 THE COURT: And -- and again -- so, if he  
9 threw it, I don't have evidence from anybody else  
10 that he threw it. It was there. If you want --  
11 why don't you do this?

12 And he's already saying he didn't see the  
13 transition. He's on his back. Right?

14 So maybe while he's on his back he says  
15 he saw the knife.

16 You can -- I mean, I understand what  
17 you're saying, but you -- again, for the purposes  
18 of this -- of this proceeding, there's no final  
19 arguments.

20 There'll be the opportunity to sum -- to  
21 provide a summary position paper or memoranda if  
22 you want to do that, but there are no final  
23 arguments. There's no impeachment.

24 It's stuff that's supposed to help me at  
25 arriving at a decision.

1           And, again, with respect to the issue of  
2 where the knife ended up, there are all kinds of  
3 explanations for why evidence may have -- again,  
4 we went through that -- things roll; things move.

5           I don't know that -- we don't have  
6 testimony -- I'm going to -- I'm going to look at  
7 all these things.

8           But if you're saying to me, you look at  
9 the video, you look at the pictures, you can line  
10 it all up, and the knife couldn't have been in  
11 his hand, then I can look at that.

12           You're never going to get that from him.  
13 That's my point.

14           MR. HEINEMAN: I find, your Honor, that  
15 just -- I -- I, you know, I -- I think that any  
16 piece of evidence -- physical evidence --

17           THE COURT: Um-hum.

18           MR. HEINEMAN: -- that is corroborative  
19 of what a witness says is important for me to  
20 point out to you.

21           THE COURT: And you have.

22           MR. HEINEMAN: And again --

23           THE COURT: All I'm saying is that you're  
24 never going to get him to tell --

25           MR. HEINEMAN: Until --

1 THE COURT: -- you that he saw the knife  
2 get thrown.

3 MR. HEINEMAN: Until this moment we  
4 haven't had a conversation about that blue bag  
5 and the knife.

6 THE COURT: True.

7 MR. HEINEMAN: And so I'm just bringing  
8 it to the Court's attention.

9 THE COURT: All right. And I'm glad  
10 you --

11 MR. HEINEMAN: I'm just --

12 THE COURT: And I'm glad you did. And  
13 I'm glad you did.

14 BY MR. HEINEMAN:

15 Q. Your Use of Force Report was filed ten months  
16 after Brendan's death, right?

17 A. That's correct. Second one.

18 Q. Second one?

19 A. To the best of my knowledge I filed one out,  
20 but I can't attest to where it went.

21 MR. HEINEMAN: So may I approach, your  
22 Honor?

23 A. I was advised by Captain Mazerall that it all  
24 needed to be filled out, so I filled it out.

25 Q. Okay. So this Exhibit 96 that has the date

1 December of 2022, you believe is the second one  
2 your filled out?

3 A. To the best of my knowledge, yes.

4 Q. Other than this Use of Force Report, you did  
5 not fill out an -- an incident report for that,  
6 right?

7 A. I was advised that I would do an oral  
8 interview with Trooper DeLucia. I don't know if  
9 it was sergeant or trooper, but -- Trooper  
10 DeLucia.

11 Q. So there's no written report on it?

12 A. No, I was advised that that would be whatever  
13 you contributed to.

14 Q. And I just -- one last thing. I just want to  
15 be clear that when Brendan first ran away from  
16 you down the driveway and across the road, it's  
17 your testimony that you did not from behind shoot  
18 the less-lethal at him at that point?

19 A. To the best of my knowledge, I moved over to  
20 the right side; moved over to his right allowing  
21 Officer Carruthers and Officer Frissore to  
22 gain --

23 THE COURT: No, no, no. I'm not sure you  
24 understand the question.

25 When he ran up, and when -- when you and



1 Frissore had him in the backyard --

2 THE WITNESS: Yes.

3 THE COURT: -- he runs up the driveway,  
4 you testified that he tripped.

5 THE WITNESS: He tripped in the --

6 THE COURT: The question is: Did you  
7 shoot him?

8 THE WITNESS: Not until he was on the  
9 ground.

10 BY MR. HEINEMAN:

11 Q. So not while he was running away?

12 A. He was trying to get back up is when my  
13 first -- first round went.

14 MR. HEINEMAN: Given your Honor's  
15 instructions, that will be all the questions --

16 THE WITNESS: All right.

17 MR. HEINEMAN: -- I have.

18 THE COURT: You all done with him?

19 Because I don't think I'm --

20 MR. VAN EPPS: Just a second -- a second,  
21 your Honor.

22 No redirect.

23 THE COURT: All right.

24 Thank you, sir. You're all set.

25 MR. MCDONALD: May I have -- may I

1 have --

2 THE COURT: Yep.

3 MR. MCDONALD: -- one follow-up question.

4 EXAMINATION

5 BY MR. MCDONALD:

6 Q. Officer Papia, you testified that -- that --  
7 just before you fell you had reloaded two rounds?

8 A. Correct.

9 Q. Now, why was that?

10 A. Just --

11 THE COURT: I think he already  
12 testified --

13 A. -- administrative --

14 THE COURT: I think he already testified  
15 to that.

16 A. Administrative reload.

17 THE COURT: Right.

18 He was backing up, (indiscernible) he had  
19 an administrative reload because he knew he had  
20 shot all -- a number of rounds off, and he wanted  
21 to top it.

22 MR. MCDONALD: Yeah, I understand.

23 BY MR. MCDONALD:

24 Q. My only question was: Had you just fired two  
25 rounds?

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1 THE COURT: Had you just fired two  
2 rounds?

3 THE WITNESS: Earlier, yes, I had fired  
4 two rounds.

5 I believe I had fired four rounds, so --

6 THE COURT: I was going to say, the total  
7 was four.

8 MR. MCDONALD: Right. Okay. Thank you.

9 THE COURT: All set.

10 (Witness excused.)

11 MS. GEMMILL: Our next witness -- witness  
12 will be Officer John Frissore.

13 THE COURT: All right.

14 THE CLERK: Officer, please raise your  
15 right hand.

16 Do you swear and affirm the testimony you  
17 give before the court today is the truth and  
18 nothing but the truth.

19 THE WITNESS: I do.

20 THE CLERK: Thank you.

21 JOHN FRISSORE, SWORN

22 THE COURT: All right. Sir, if you could  
23 just state your name for the record.

24 THE WITNESS: John Frissore.

25 THE COURT: All right. So before we get

1 started, I'm going to do the same thing that I  
2 did with Officer Papia.

3           You understand that you will essentially  
4 one of the targets in connection with this  
5 investigation.

6           THE WITNESS: I do.

7           THE COURT: The purpose of this  
8 investigation is to determine whether you or any  
9 of the other police officers committed any  
10 unlawful acts related to Mr. Reilly's death  
11 or -- or, frankly, whether or not there were any  
12 unlawful acts that preceded his death.

13           Do you understand that?

14           THE WITNESS: I understand.

15           THE COURT: You have an absolutely right  
16 not to testify.

17           My understanding is you've had enough  
18 time -- well, let me ask you, have you had enough  
19 time to talk to your lawyer about whether or not  
20 you should waive that right?

21           THE WITNESS: I have.

22           THE COURT: All right. And you  
23 understand that you have an absolute right  
24 against self-incrimination and no one can force  
25 you to testify?

1 THE WITNESS: I do.

2 THE COURT: Well, understanding that  
3 right, do you still wish to testify?

4 THE WITNESS: I do.

5 THE COURT: Okay.

6 EXAMINATION

7 BY MS. GEMMILL:

8 Q. Okay. Good afternoon, sir.

9 A. Afternoon.

10 Q. You already told us your name.

11 Can you tell us whether or not you've ever  
12 worked for the Lexington Police Department?

13 A. I do.

14 Q. Do you currently work for the Lexington  
15 Police Department?

16 A. I do.

17 Q. All right. What is your position there?

18 A. I am a patrolman.

19 Q. How long have you worked for Lexington PD?

20 A. Except for the one year when we were laid  
21 off, 20 years this month.

22 Q. Okay. And --

23 A. Somewhere near there.

24 Q. And you're probably uncomfortable with --  
25 with your feet.

1 A. I'll be all right.

2 Thank you, though.

3 Q. If you can get as close to the microphone as  
4 you can --

5 A. Yeah.

6 Q. -- just to make everyone can hear you, okay?

7 A. All right.

8 Q. Okay. Prior to joining the Lexington Police  
9 Department, did you attend any kind of a training  
10 academy?

11 A. Yeah, we had six months in South Weymouth.

12 Q. South Weymouth?

13 A. Yeah.

14 Q. And did you learn a -- general police  
15 practices and things like that in your training  
16 academy?

17 A. We did.

18 Q. All right. Did you also learn about how to  
19 use firearms and other implements of use of force  
20 in your training academy?

21 A. Yes.

22 Q. All right. Throughout your time as a patrol  
23 officer for the -- for Lexington, have you had to  
24 go through any ongoing training?

25 A. Yes.

1 Q. What kind of ongoing training do you have to  
2 do every year?

3 A. Annual inservice; annual qualifications on  
4 the range.

5 Q. And "on the range," is that referring to, you  
6 know, your proficiency with firearms?

7 A. Yes, ma'am.

8 Q. Did -- have you had any other kind of  
9 training using other weapons besides firearms?

10 A. They -- they demonstrate everything that we  
11 have with us.

12 We have the patrol rifles.

13 We have the shotguns, the less-lethal  
14 shotguns, baton, pepper spray.

15 Q. All right. Have you been trained  
16 specifically on the less-lethal Remington 870  
17 shotgun?

18 A. Yeah. Yes.

19 Q. All right. So Officer Frissore, I'm going to  
20 turn your attention to February 12th of 2022.

21 Were you worked on that particular day?

22 A. I was.

23 Q. What was your shift?

24 A. It was -- we call it the B shift, which is  
25 the day shift.

1 Q. Okay.

2 A. 7:45 to four o'clock in the afternoon.

3 Q. When you're on shift, what are your general  
4 duties?

5 A. Patrol.

6 Q. All right. And what does that mean exactly?

7 A. Responding to calls; dealing with anything  
8 you see that needs to be dealt with in a law  
9 enforcement capacity.

10 Q. Do you have certain areas of Lexington that  
11 you cover specifically?

12 A. I have an area I tend to end up in more than  
13 others.

14 I'm usually, what we call, down east  
15 and -- but that day we had -- we had a -- more  
16 than enough cars to cover all sectors.

17 And I was assigned the five-car, which was  
18 a backup car.

19 Q. All right. And was that the 415 car that  
20 day?

21 A. It was.

22 Q. Was there a particular sector you were  
23 assigned to, or does that mean that you --

24 A. No.

25 You got -- wherever you are needed within



1 the town.

2 Q. Okay. So if someone gets dispatched to a  
3 different part of town, you would be a followup  
4 car to come in as back up potentially?

5 A. Yes.

6 Q. All right. Turning your attention now to  
7 about 12:38, 12:39 in the afternoon on the 12th,  
8 did you learn that there was a 911 call that came  
9 in from 98 Hancock Street -- or the area of the  
10 98 Hancock Street in Lexington?

11 A. I -- I did.

12 Q. All right. How did that come to your  
13 attention?

14 A. It came in over on the radio from dispatch.

15 Q. Okay. Did you know what dispatch was  
16 reporting from 98 Hancock?

17 A. I knew that they were -- they -- what I had  
18 heard was there was an Asian male hanging out the  
19 front window of 98 Hancock Street, and that a  
20 jogger was reporting it in, and he was saying  
21 that someone was trying to kill him.

22 Q. The -- the person in the window was saying  
23 someone was trying to kill him?

24 A. Yes, he was saying it to the jogger.

25 Q. Okay. And it was the jogger who called 911;

1 is that your understanding?

2 A. That was my understanding.

3 Q. Okay. Were you familiar with 98 Hancock  
4 Street?

5 A. I was.

6 Q. Can you explain to the Court a little bit  
7 about your familiarity with that particular  
8 address?

9 A. That's an Eliot Services house, mental  
10 health. For a lack of a better term, a halfway  
11 house where they have patients.

12 I don't think it's supervised -- it  
13 wasn't supervised.

14 Q. Okay. Prior to the 12th of February of 2022,  
15 had you ever responded to calls at 98 Hancock  
16 Street in the past?

17 A. Oh, yeah. Yes.

18 Q. Okay. Do you have a sense of how frequently  
19 you went there?

20 A. No.

21 I mean, it was no more than others. I  
22 remembered I had -- the last time I had been  
23 there was probably about a year earlier.

24 Q. All right. Were there any particular  
25 residents of 98 Hancock Street that you were

1 familiar with?

2 A. By face. I didn't remember anybody's name,  
3 no.

4 Q. All right. And did you later learn that  
5 Brendan Reilly was somebody that you were  
6 familiar with by face from that address?

7 A. Yes.

8 Q. Okay. All right. So I want to talk a  
9 little bit about your prior experience going to  
10 98 Hancock Street the year before 2022. Okay?

11 A. Okay.

12 Q. On that occasion, can you tell us why you  
13 went to 98 Hancock Street, as far as you  
14 remember?

15 A. It was a -- it was for a Section 12. One of  
16 the staff members -- a -- for mental health.

17 And one of the staff had called it in. He  
18 said he had a Section 12 in hand, or was working  
19 on one, or was close in hand for a -- for a party  
20 that lived at that house.

21 And I was a backup car that day as well.

22 They sent the sector car and another  
23 patrolmen there and myself, three cars.

24 Q. Right.

25 A. To carry out that order.

1 Q. When you got to 98 Hancock Street for the  
2 Section 12, did you encounter the person who was  
3 the subject of the Section 12?

4 A. We did.

5 Q. All right. And was that Brendan Reilly?

6 A. It was.

7 Q. All right. Can you explain briefly for us  
8 what your interaction was like with Mr. Reilly on  
9 that day?

10 A. We had the Section 12, so we had the right to  
11 take him out and put him into the ambulance. And  
12 we had one staged nearby.

13 But you always prefer he does it on his  
14 own. It's just easier and better all around.

15 So there was the three of us talking to  
16 him, and we tried to make some headway with him.  
17 And that eventually failed.

18 So another guy would try something else,  
19 and he'd say something, and somebody else would  
20 try to key in on that.

21 You try to establish some sort of rapport  
22 where you could get him to do it, you know,  
23 gently so you didn't have to put hands on him.

24 Q. Okay. Did Mr. Reilly cooperate with you on  
25 that occasion?

1 A. After about an hour.

2 And the three of us maybe -- maybe more,  
3 but we got him to walk down the stairs  
4 reluctantly to the front door.

5 Q. Okay. Did he end up going -- going in the  
6 ambulance?

7 A. He did not.

8 Q. What happened once he got downstairs?

9 A. When he got to the front door, he saw the  
10 ambulance, and he jumped -- he was at -- excuse  
11 me -- at the front door, and he jumped over the  
12 rails and took off into the shrubs and into the  
13 neighborhoods.

14 Q. All right. Did you encounter him on that  
15 particular day?

16 A. We did.

17 We got into our cruisers -- or one of the  
18 other officers, Chris Coleman, got in mine;  
19 Officer Ducharme, whose report it was, got in his  
20 first. We were following.

21 Officer Ducharme encountered him first  
22 and got out of his car and ran into the backyard,  
23 and I followed.

24 Q. Okay. Were you able to convince Mr. Reilly  
25 to get into an ambulance on that night?

1 A. Well, when I caught up to Officer Ducharme,  
2 he was facing Mr. Reilly; and they were going  
3 back and forth, maybe, I don't know, about six  
4 feet apart.

5 And I saw Officer Ducharme pull his  
6 baton --

7 Q. Okay.

8 A. -- and -- and Mr. Reilly go to the ground,  
9 where -- just as I was reaching him; and we put  
10 him in handcuffs and called the ambulance, which  
11 was staged close by.

12 Q. So, from what you could see, did Officer  
13 Ducharme actually touch Mr. Reilly with the  
14 baton, or did he just pull the baton --

15 A. No.

16 Q. -- out?

17 A. He just -- he just displayed it.

18 Q. Okay. And, in response to Officer Ducharme  
19 displaying his baton, Mr. Reilly reacted by  
20 getting down on the ground?

21 A. He complied.

22 Q. Okay. So you had had a prior experience with  
23 Mr. Reilly seeing your baton -- seeing a baton  
24 and then cooperating with law enforcement?

25 A. The last time I had dealt with him, that was

1 the case.

2 Q. Okay. How would you describe his demeanor on  
3 that occasion?

4 A. Agitated, delusional, but agitated. And  
5 that's -- that's what the -- that's why we were  
6 called there in the first place.

7 Q. Okay.

8 A. That's how they got the Section 12.

9 Q. Okay.

10 A. You know, when we got him into handcuffs and  
11 put him on the gurney, he was still pretty  
12 agitated.

13 Q. Okay. Fast forwarding a year later to  
14 February 2022, were you aware that Mr. Reilly was  
15 back living at 98 Hancock Street?

16 A. I wasn't aware that he was, no.

17 Q. Okay. And at some point that day you become  
18 aware that he was there; is that fair?

19 A. Yes.

20 Q. Okay. All right.

21 So a call comes in over the radio for 98  
22 Hancock Street, do you get dispatched to that  
23 location?

24 A. I do.

25 Q. All right. And are you dispatched in your

1 role as the backup car?

2 A. Yes.

3 Q. Who is the -- who is the lead car for that  
4 response?

5 A. Officer Papia.

6 Q. Okay. Do you remember approximately where in  
7 Lexington you were at the time you were  
8 dispatched to 98?

9 A. Somewhere in the center, I think.

10 Q. Do you know about how long it took you to get  
11 to 98 Hancock Street?

12 A. Few minutes. Not long.

13 Q. All right. And can you tell us, on that  
14 particular day, what are you wearing?

15 A. Standard patrol uniform. Class Bs they call  
16 them.

17 Q. Okay. So does that have, like, your -- your  
18 name and your badge displayed and things like  
19 that?

20 A. Yeah. Yeah, it's a shirt with my name and  
21 badge on it.

22 Q. Okay. And the vehicle you're in, is that a  
23 marked cruiser?

24 A. It is.

25 Q. Okay. What kind of tools do you have -- did



1 you have on that day as part of your uniform?

2 A. On -- on the -- on the duty belts, we were  
3 wearing the belts at that time, not the vests,  
4 the handgun, pepper spray, baton, handcuffs,  
5 gloves.

6 Q. Do you have any other kinds of tools in your  
7 vehicle, in the event that you need them?

8 A. Yes.

9 Q. And what other kind of tools did you have in  
10 your vehicle?

11 A. It was a patrol rifle and a less-lethal  
12 shotgun we spoke of earlier.

13 Q. Okay. That Remington 890 that you were  
14 trained on?

15 A. Yes, ma'am.

16 Q. Okay. Do you also have the -- the shells  
17 that are required to operate that shotgun?

18 A. Yeah, they'd be with him. Yep.

19 Q. Okay.

20 A. Yes.

21 Q. All right. So you go to 98 Hancock Street.

22 Where do you park once you get there?

23 A. I parked on Hamilton.

24 Q. Okay. And what do you do when you -- when  
25 you first had stopped your car; you're getting

1 out of your car -- do you see -- do you observe  
2 anything in the of area of 98 Hancock?

3 A. Yeah. I walk -- due to the fact that I had  
4 parked on Hamilton, I had to cross the yard of  
5 100 Hancock Street.

6 Q. Okay. Did you make observation as you were  
7 walking towards the house?

8 A. I saw the -- a person, I assumed to be the  
9 resident of 100 Hancock Street in the front yard  
10 and he -- he called to me.

11 Q. Okay. Did he say something to you?

12 A. Yeah. He said, officer, he's in the --  
13 there's someone in the backyard with a knife.

14 Q. Okay. So the resident -- presumed to be a  
15 resident of 100 Hancock -- told you there was  
16 someone in the backyard of which house?

17 A. Of 98.

18 Q. All right.

19 A. I'd also seen Officer Papia engaged verbally  
20 with a -- with a man I believed to be the  
21 person -- the subject of the call talking in the  
22 front --

23 Q. Where is --

24 A. -- yard.

25 Q. Where is Officer Papia when you first see

1 him?

2 A. In the front yard talking to the person out  
3 the window.

4 Q. From the yard of 98 Hancock?

5 A. 98, yeah.

6 Q. Can you see the person that he's speaking to?

7 A. I can.

8 Q. Okay. And where is that person?

9 A. In the -- in the window.

10 Q. All right. Did you see anyone else in the  
11 front of the house at that point?

12 A. No.

13 Q. All right. So you speak to the neighbor.  
14 You see Officer Papia.

15 What do you do?

16 A. I'm now aware that there's someone in the  
17 backyard, and I go to look; and I see Mr. Reilly  
18 in the backyard -- or in the right rear corner --  
19 if you're facing the house, it'd be the right  
20 side rear corner of the house, holding a knife in  
21 his right hand --

22 Q. All right.

23 A. -- and eating Cheetos or something with his  
24 left.

25 Q. Eating Cheetos?

1 A. Yeah.

2 Q. Okay. Do you have a sense of about how far  
3 away you were from him when you first saw him?

4 A. Twenty feet maybe, 25 feet.

5 Q. What did you notice about the knife that he  
6 was holding, if you could tell any details at  
7 that point?

8 A. It was just a large bladed knife.

9 Q. Okay.

10 A. It didn't appear to be shiny or anything.  
11 Just a large knife.

12 Q. I think you said it was in his right hand; is  
13 that correct?

14 A. That's how I recall it.

15 Q. Could you tell which direction the blade of  
16 the knife was pointed?

17 A. I believe it was pointing up.

18 Q. All right. Did you speak with Officer Papia?

19 A. I did.

20 Q. Okay. So describe the interaction you had  
21 with Officer Papia as you first arrived?

22 A. I relayed the information that I had just  
23 gotten from the neighborhood at 100.

24 Q. Okay. So you tell Officer Papia that there's  
25 a person in the backyard --

1 A. I do.

2 Q. -- with a knife?

3 A. Yes.

4 Q. Okay. What happens next?

5 A. I go and I tell officer -- officer -- me and  
6 Officer Papia talk about it, and he decides -- he  
7 goes to get the less-lethal, which is what you  
8 would do in that situation.

9 Q. Okay.

10 A. I saw who it was. And, again, I didn't  
11 remember his name at that time, but I hoped to  
12 build upon that rapport I thought I had with --  
13 made with him just before he got put in the  
14 ambulance but...

15 Q. Okay. And just so we're clear, the  
16 "less-lethal" is a reference to the Remington 870  
17 shotgun, correct?

18 A. Yes. Yes.

19 Q. All right. So Papia goes back to his  
20 cruiser.

21 Could you see where his car was?

22 A. Yeah. He was parked over at the -- the  
23 driveway to Diamond Junior High.

24 Q. Okay. And then you start trying to interact  
25 with the person in the backyard, correct?

1 A. Yes.

2 Q. All right. You said that you recognized him?

3 A. I did.

4 Q. Was that the same person that you had  
5 participated in the Section 12 with the year  
6 before?

7 A. It was.

8 Q. All right. And at that point you didn't know  
9 what his name was, correct?

10 A. I couldn't remember. I knew what it was  
11 then, I couldn't remember a year later, or  
12 whatever.

13 Q. Got it.

14 And you've now since learned that his name  
15 was Brendan, correct?

16 A. What's that?

17 Q. You've since learned that his first name was  
18 Brendan?

19 A. I learned at the scene his name was Brendan.

20 Q. All right. Can you describe -- and did  
21 you -- did you -- so what did you do to try to  
22 establish a rapport with Mr. Reilly?

23 A. I was hoping that it was going to be  
24 something along the lines of, you know, maybe he  
25 took my food, and I'm -- I wanted him to come

1 over and talk to me about it; give him a chance  
2 to, you know, say something, like, he took my  
3 food. He always does it; and I was going to try  
4 to calm him down, and hope that I could establish  
5 some kind after rapport with him, but he wasn't  
6 having it.

7 Q. Okay. Was he saying anything back to you as  
8 you're trying to talk to him?

9 A. Yeah, Get the fuck out of here.

10 Q. Okay.

11 A. I'll kill you. I'm in the Irish mafia. Get  
12 the fuck out of here.

13 Q. All right. And did he still have the Cheetos  
14 in the other hand?

15 A. I can't recall.

16 I just remember him in the beginning when  
17 he was saying it -- because he was saying it as  
18 he was eating the first time he said it.

19 Q. Okay.

20 A. And I don't recall him eating them after  
21 that.

22 Q. Can you give us a -- a physical description  
23 of -- of how he looked on that day as you're  
24 first interacted with him.

25 A. Just baggy, light clothing. Baggy, light --

1 light-colored clothing.

2 Q. Okay. About how tall is he would you say?

3 A. Five, then; six feet, maybe.

4 Q. Okay. How was his appearance? Would you  
5 describe -- how would you describe --

6 A. Disheveled.

7 Q. Okay. Did you notice anything about his  
8 facial expression or anything that stood out to  
9 you about his face?

10 A. Just angry and contorted --

11 Q. Okay.

12 A. -- probably like I'm getting now, like an --  
13 but white on his lips.

14 Q. Okay.

15 A. I remember he had a light -- like a foam on  
16 his lips.

17 Q. Okay.

18 A. Yeah.

19 Q. What kind of things are you trying to say to  
20 Mr. Reilly at that point?

21 A. Initially, it was, Put the knife down. Come  
22 over and talk to me. Let's talk about it. Like  
23 that.

24 Q. Okay. While you're speaking with him, is  
25 this before Officer Papia has come back?



1 A. Yes.

2 Q. Okay. Do you have any kind of weapon drawn  
3 at all while you're having this first  
4 interaction?

5 A. No. Not until it broke down.

6 Q. Okay. So let's talk about -- a little bit  
7 about that.

8 You're talking to Mr. Reilly; he's yelling  
9 back at you.

10 A. Yes.

11 Q. Is he dropping the knife in your response to  
12 you asking him to?

13 A. No.

14 Q. Okay. So what happens next?

15 A. He -- he -- he says -- he keeps saying the  
16 same thing, the same four things over and over  
17 again.

18 Q. Okay.

19 A. I'll kill you. I'll kick your ass. I'm in  
20 the Irish mafia. Over and over again.

21 Q. Okay. Does Officer Papia come back --

22 THE COURT: Excuse me. Don't talk. He's  
23 a Judge. Okay?

24 You're not in charge of security in this  
25 building, okay?

1           You understand me.

2           UNIDENTIFIED PERSON: I understand you.

3           THE COURT: All right. I don't want to  
4 hear anybody else talking.

5 BY MS. GEMMILL:

6 Q. So Officer Frissore, does Officer Papia come  
7 back to your spot?

8 A. He does.

9 Q. All right. So what happens as Officer Papia  
10 comes back?

11 A. Um --

12 Q. Can you see where he goes?

13 A. Officer Papia comes back; Brendan takes off.

14           At some point just before that I had drawn  
15 the baton, prior to Officer Papia coming back.

16           And in hopes -- the same as that day  
17 that -- when he dropped for Officer Ducharme,  
18 that he would drop for me, and -- and he didn't.

19 Q. All right. Before Mr. Reilly started to run?

20 A. Yep.

21 Q. Did you see Officer Papia go, like, further  
22 into the backyard area? Like, where was he  
23 positioned?

24 A. Well, as soon as Officer Papia came back, he  
25 took off into the backyard as soon as he saw the

1 shotgun.

2 Q. Okay. So Officer Papia came back with the --  
3 with the Remington?

4 A. He did.

5 Q. All right. Did you see how Officer Papia was  
6 holding the shotgun?

7 A. I -- I don't -- I just know he had it  
8 probably at the low ready.

9 Q. Okay. So that's -- so it's slung over his  
10 shoulder, but probably holding onto to it?

11 A. No. It would have been in his hand at the  
12 low ready.

13 Q. Okay. Describe what was going through your  
14 mind for us and -- and what was happening when  
15 you decided to pull your baton?

16 A. He basically wasn't going to -- didn't come  
17 over to me.

18 Q. Okay.

19 A. And he said -- and I knew it was breaking  
20 down, and I pulled the baton, and he didn't drop  
21 to the ground -- excuse me -- didn't drop to the  
22 ground. It was just the same thing over and over  
23 again.

24 Q. All right. So at some point Mr. Reilly runs.  
25 Can you tell us where he runs to?

1 A. He runs to -- out the driveway.

2 Q. Okay. What direction is he headed?

3 A. Out towards Hancock Street.

4 Q. All right. Is that towards the rotary area?

5 A. Towards the rotary.

6 Q. What's going through your mind as he's  
7 running?

8 A. All the people that I passed on the way up  
9 that -- that there was people everywhere.

10 Q. What do you remember about the weather that  
11 day?

12 A. Warm, clear.

13 Q. All right. Were there a lot of people out as  
14 you were arriving at the scene?

15 A. Yes, there was.

16 I remember passing a lot of people in the  
17 center.

18 Q. Okay. As Mr. Reilly starts to run, do you  
19 say anything to Officer Papia?

20 A. Yeah, I say we can't let him run with that  
21 knife.

22 Q. Okay. Why did you say that?

23 A. Because of all the people that I knew were  
24 out. And there was people everywhere, the  
25 jogger, and you just -- you knew -- and there was

1 a Diamond Middle School was right there. And  
2 there was just people everywhere.

3 Q. Did you have any concerns about the people  
4 who -- the other people who were inside of 98  
5 Hancock Street?

6 A. That as well.

7 I mean, that was back in the backyard when  
8 he was running back and forth. I was getting --  
9 I didn't know if the backdoor was still locked or  
10 not and whether he was going to go back in --

11 Q. Okay.

12 A. -- or whether he was going to jump over the  
13 fence, like he did last time. And we'd lose  
14 sight of him, and then we would have no idea  
15 where he is.

16 I don't know if he was just mad at his  
17 roommate, or if he had -- just mad at everybody.

18 Q. Okay. Had you seen anyone else who lived in  
19 that house, besides the man who was in the  
20 window, who was sort of the subject of the 911  
21 call?

22 A. Yes, I did.

23 Q. Who else did you see?

24 A. I saw a man on the driveway.

25 Q. A man on a driveway?

1                   And a different man from Mr. Reilly,  
2 correct?

3           A.    Yes.

4           Q.    Okay. Did you have any concerns about that  
5 man?

6           A.    I didn't know who he was. I didn't know if  
7 Mr. Reilly had any intent on him, but he didn't  
8 seem to. He ran right passed him.

9           Q.    Okay. So, as Mr. Reilly runs, he runs by  
10 that person?

11          A.    He did.

12          Q.    Okay. You say to Officer Papia, We can't let  
13 him run with that knife?

14          A.    Yeah.

15          Q.    What happens next?

16          A.    I see Officer Carruthers, and we head down  
17 north -- Hancock Street towards the Diamond  
18 School -- Middle School driveway.

19          Q.    Okay. So do you try to follow Mr. Reilly?

20          A.    I did.

21          Q.    Okay. Officer Carruthers had not been there  
22 before; is that correct?

23          A.    That's correct.

24          Q.    So when you're at the house, it's just you  
25 and Officer Papia, correct?

1 A. That's correct.

2 Q. Okay. Did you hear Officer Papia call over  
3 the radio for any other assistance?

4 A. I did. I heard him, I think on the mic. I  
5 don't know if I heard him on my radio, but I  
6 heard him calling it off.

7 Q. Okay. Who -- and what was he calling for?

8 A. He was calling for additional units, and I  
9 believe I heard him call for someone from the  
10 Eliot House.

11 Q. All right.

12 A. And maybe -- maybe the -- the ambulance as  
13 well.

14 Q. All right. Where do you first notice  
15 officer -- Officer Carruthers?

16 A. On Hancock Street.

17 Q. All right. Is he getting out of his cruiser?  
18 Is he on foot?

19 A. He's out -- he's already out of the cruiser.

20 Q. Did you notice if he had any kind of weapons  
21 with him?

22 A. He had a less-lethal shotgun with him.

23 Q. Okay. So you see Officer Carruthers, is  
24 Mr. Reilly still running at this point?

25 A. He is.

1 Q. Okay. What happens next?

2 Does something stop him?

3 A. Yeah. He tripped.

4 Q. He tripped. Okay.

5 And could you tell why he tripped, or  
6 what --

7 A. I couldn't tell why --

8 Q. -- caused him to trip?

9 A. -- he tripped, no.

10 Q. Okay.

11 A. But he did. He was running fast -- he was  
12 trying to run fast.

13 Q. Could you tell whether Officer Carruthers or  
14 Officer Papia had fire the less-lethal shotgun to  
15 make him fall?

16 A. I don't know.

17 Q. Okay. About where did he fall that first  
18 time?

19 A. To my recollection, it was in front of the  
20 Diamond School -- Diamond Middle School driveway.

21 Q. Okay. Once he was down on the ground, what  
22 happens next?

23 A. We tried just the same thing. Brendan, drop  
24 the knife. Drop the knife.

25 But I don't recall him at that first



1 stumble location very long; and he gets up and  
2 starts running again towards Burlington Street.

3 Q. Okay. So he falls the first time.

4 Could you see whether he ends up on  
5 his -- on his rear end, or is he on his -- on his  
6 feet?

7 Is he on his knees?

8 A. Yeah, it's a dynamic --

9 Q. How is he positioned?

10 A. -- situation so it's never. He's moving.  
11 He's trying to get up. He gets to his feet at  
12 some point. Because he got to a second location.

13 Q. All right. At this point are you hearing  
14 anyone using the less-lethal shotgun?

15 A. I believe Steven fired, but I -- I can't -- I  
16 know that he was firing at some point, but I -- I  
17 can't really recall when it first happened.

18 Q. Okay. And when you say "he," who are you  
19 referring to?

20 A. Officer Papia.

21 Q. All right. Now, what weapon did you have at  
22 this stage?

23 A. I still had the -- wrongly, I still had the  
24 baton.

25 Q. Okay. You say "wrongly."

1           Why do you say that?

2           A.    Because you're not supposed to have a baton  
3           when you have a situation with someone -- Steve's  
4           got the less-lethal -- I'm supposed to have  
5           lethal cover; but, because of the interaction I  
6           had had with him at the first time, I just -- I  
7           was -- I was hoping that it was it would some  
8           effect.

9           Probably --I hoped a little too long,  
10          longer than a should have with that.

11          Q.    So if one person has the less-lethal shotgun,  
12          there's supposed to be somebody on the team that  
13          is also providing lethal cover?

14          A.    Yes.

15          Q.    Okay.  And your baton would not be considered  
16          lethal cover; is that fair?

17          A.    It would not.  No.

18          Q.    Okay.  But you were hoping that having that  
19          baton might have the same effect it had a year  
20          prior in your previous interaction with  
21          Mr. Reilly?

22          A.    Yes.

23          Q.    Okay.  So Mr. Reilly's down for a short  
24          period of time.

25                   Does he try to get back up?

1 A. He did.

2 Q. And did he get back up?

3 A. He did.

4 Q. So what does he do next?

5 A. He continued close to the Burlington Street,  
6 towards the Chabad Center.

7 Q. Okay. Does -- what happens then.

8 Does something stop him?

9 A. He trips, again, or he gets hit with a bean  
10 bag. One or the other. I'm not sure.

11 Q. Okay. You're not sure whether he fell  
12 because -- does -- does he fall?

13 A. He does fall a second time.

14 Q. All right. And you're not sure if that's a  
15 trip or if he was struck by a bean bag round?

16 A. I'm not sure.

17 Q. All right. How is he positioned once he's on  
18 the ground again?

19 A. He's on his back in kind of a crab walk -- or  
20 on his butt trying to -- and he's looking around  
21 himself frantically trying to find a place to get  
22 away from us, I guess.

23 Q. Can you see what he's doing with his hands?

24 You're kind of making a --

25 A. Well, he's got a --

1 Q. -- motion with your hands?

2 A. -- knife. He's still got a knife in his  
3 hands. And he's just screaming the same things  
4 over and over again.

5 Q. All right. This is the -- are those similar  
6 things or the same things he was saying --

7 A. Exact --

8 Q. -- at the house?

9 A. Exact same things.

10 Q. Okay. How was he holding that knife when  
11 he's down on the ground near Burlington?

12 A. I recall -- I recall it being straight up,  
13 like, out of the top of his hands by his thumb,  
14 the blade. Kind of like this.

15 Q. Okay. And you're showing us a fist.

16 So it would be the blade coming --

17 A. Thumb side.

18 Q. -- up out of the fist?

19 A. Yep.

20 Q. The thumb side? Okay.

21 How do you -- where -- where do you and  
22 your fellow officers position yourselves around  
23 Mr. Reilly?

24 A. We encircle them, so -- so he can't get  
25 anywhere, using our own bodies as kind of shields

1 to keep him in one spot.

2 Q. Did you notice other -- any other officers  
3 had arrived at that point?

4 A. I saw -- at some point I saw Officer  
5 Sullivan. He had his cruiser across the  
6 Burlington Street.

7 Q. Across Burlington Street?

8 A. Yes.

9 Q. Did you ever see Officer McAleer?

10 A. I -- I saw him later on, yes.

11 Q. Later on. Okay.

12 How are you positioned in relationship to  
13 Officer Papia and Officer Carruthers?

14 A. Officer Papia was on -- was basically on the  
15 farthest side from me.

16 Officer Carruthers was closest to my side  
17 and then me.

18 Q. Okay. So you're -- if you're making, like, a  
19 little semi-circle shape --

20 A. Triangulation, I would --

21 Q. -- triangular shape.

22 A. -- say something like that.

23 We didn't plan it that way, but it seemed  
24 to just work out. Everybody got themselves in  
25 that position.

1 Q. Okay. Which direction is Mr. Reilly facing?

2 Is he facing --

3 A. Facing us.

4 Q. -- away from you guys? Facing --

5 A. He's facing us. Facing the Chabad Center.

6 Q. Okay. Did you notice whether there's a --  
7 there are any people around in the neighborhood  
8 at that point watching?

9 A. I don't.

10 Q. Okay. You have the baton in your hand still,  
11 at this point; is that fair?

12 A. I do.

13 Q. What do you do -- what do you do with it, if  
14 anything?

15 A. I was hoping with so many people to distract  
16 him, you know, Steve and Joe, and -- well, he  
17 looked at Sean, and probably -- probably Andy as  
18 well.

19 He -- I was hoping that I could reach him  
20 with a baton and whack it out of his hand.

21 Q. When do you say "whack it," do you mean the  
22 knife?

23 A. Yeah.

24 Q. Okay. Did you try to do that?

25 A. I -- I couldn't get close enough. I now

1 understand why you're not supposed to have a  
2 baton when somebody's got a knife. It's just --  
3 it's too awkward.

4           You got to -- to get any kind of power out  
5 of it, you have to pull back, and all he's got to  
6 do is come forward.

7           I got too close a couple times, and I  
8 just realized it wasn't going to work.

9 Q. Do you have any sense of how close you got to  
10 him?

11 A. Within, I don't know, six feet maybe.

12 Q. All right. Did something make you draw back?  
13 Did someone make you draw back?

14 A. Yeah. Joe said, You're getting too close.

15 Q. That's Officer Carruthers, right?

16 A. Yeah. And -- right.

17 Q. Okay. So the baton was ineffective?

18 A. Yeah.

19 Q. What do you do next?

20 A. I look -- I realize it's ineffective. I look  
21 over at Officer Carruthers, and he's got what I  
22 should have had. He got -- he had the less -- he  
23 had the lethal cover on him.

24           And I saw that he had the -- the lethal  
25 shotgun -- the less-lethal shotgun slung. So I

1 took that.

2 And -- and at some point he tried to get  
3 up again. And I believe me and Steve fired at  
4 the same time.

5 Q. Okay. So before we talk about that -- you  
6 see that Officer Carruthers has lethal cover.

7 A. Yeah.

8 Q. Can you describe what you observed about the  
9 lethal cover at that point?

10 Like how is he --

11 A. He had -- he had lethal cover on him. Steve  
12 had the -- the bean bag gun on him, and I now had  
13 a bean bag gun on him.

14 Q. Okay. So by lethal cover for Officer  
15 Carruthers, does that mean that he had his  
16 service pistol drawn?

17 A. Meaning -- yes.

18 It means he had -- meaning, if he came at  
19 Steve, he would be able to stop it; and if he  
20 came at me, he'd be able to stop it without  
21 having anybody in the crossfire.

22 Q. Could you see how he was holding his gun?

23 A. He just had it in a low ready, I believe.

24 Q. Low ready?

25 A. I believe.



1 Q. Okay. And what does "low ready" mean?

2 Does that mean --

3 A. It's just down like --

4 Q. -- you're pointing right at a person?

5 A. -- this. It's down like this. It's -- it's  
6 in -- in your hands. All you have to do is move  
7 it up at that point.

8 Q. Okay. So you would have to move it up to  
9 fire at your --

10 A. No, you leave it --

11 Q. -- at your target?

12 A. -- right -- you'd just tilt it up.

13 Q. Tilt it up. Okay.

14 A. Yeah.

15 Q. So you take the less-lethal shotgun from  
16 Officer Carruthers.

17 A. Yes.

18 Q. What do you do with that?

19 A. At some point when Brendan tries to get up.  
20 I fire a long -- to keep him down -- keep him --  
21 suppress him.

22 Q. Do you have a sense of how far away from  
23 Brendan -- from Mr. Reilly you were when you  
24 first fired that shotgun?

25 A. I'm not sure. Maybe -- maybe 12 feet.

1 Maybe -- maybe more; maybe less. I'm not sure.

2 Q. With your first shot, was there a particular  
3 area that you were aiming for on his body?

4 A. Just legs.

5 Q. Okay.

6 A. Legs.

7 Q. Okay. Was there ever a point that you were  
8 aiming for something else --

9 A. There was.

10 Q. -- when you were firing the less-lethal  
11 shotgun?

12 A. There was.

13 Q. And tell us about that.

14 A. I was hoping at that distance I'd be able to  
15 shoot it out of his hand.

16 Q. And you mean the knife?

17 A. Yes.

18 Q. Okay. Did you try?

19 A. I did.

20 Q. What happened?

21 A. It went -- it was in line.

22 Q. Okay.

23 A. But it was about -- it was too high. And --  
24 and it didn't -- didn't work.

25 Q. All right. So the bean bag round -- you fire

1 one; you're trying to knock the knife out of his  
2 hand?

3 A. Yes.

4 Q. Does it make any contact with the knife or  
5 with Mr. Reilly?

6 A. It didn't.

7 Q. All right. And did you see where it went?

8 A. It went probably down by Officer Sullivan.

9 Q. Okay.

10 A. I didn't see where it went, but I heard that  
11 afterwards.

12 Q. Okay. Did you try to fire any other bean bag  
13 rounds to try to knock the knife out of his hand?

14 A. I did not, no, because at that point I think  
15 that once someone said that it was getting too  
16 close to Sullivan, he was in the -- so we  
17 didn't -- I didn't fire any more, or -- because  
18 when I did it, he was very agitated and tried to  
19 come at me a little bit when I did it.

20 Q. Okay.

21 A. He saw it go over the top of his hand, and he  
22 looked at me, um-hum, so I didn't know if was  
23 for -- why someone said -- but just -- that's  
24 what we decided not to do it again.

25 Q. Do you know how many bean bag rounds you

1 fired?

2 A. Between two and four.

3 Q. All right. Did you guys -- had -- had come  
4 to a point where you had to reload your shotgun?

5 A. I don't think I ever reloaded. I can't  
6 recall it, so maybe I just fired as little as  
7 two.

8 Q. All right. So you mentioned to us that there  
9 was a time when both you and Officer Papia fired  
10 the shotgun at the same time.

11 Can you tell us what was happening when  
12 that happened?

13 A. When he was trying to get up.

14 Q. Okay. So would -- was there something you  
15 guys were specifically -- or something you were  
16 specifically doing to try to prevent?

17 A. Trying to keep him on the ground until he  
18 decided to comply with the orders and -- and  
19 release the knife.

20 That's all we were looking for -- to  
21 separate Brendan from the knife. And, if we  
22 couldn't do that, to separate Brendan and the  
23 knife from the people.

24 Q. Okay. Are any of you still talking to  
25 Mr. Reilly while he's down on the ground in this

1 last place?

2 A. Yeah.

3 Q. Who -- do you know who's talking to him?

4 A. Me, Steve, and Joe.

5 Q. All right. What are you trying to say to  
6 Mr. Reilly?

7 A. Drop the knife. Drop the knife.

8 Q. Do you remember what your tone of voice would  
9 have been like?

10 A. Loud and assertive.

11 Q. Okay. How about Steve? Could you hear  
12 anything that Officer Papia was saying?

13 A. I thought Steve was saying something about  
14 the hospital -- or it might have been Joe -- but  
15 somebody else was saying, Brendan, we'll -- we'll  
16 get you help, or, We'll call your parents.

17 I remember that -- the time I had dealt  
18 with him earlier, one of the things we did was  
19 call his mother. He wanted to talk to his  
20 mother. So we did that as well, as a way to try  
21 to get him in the ambulance; but I don't -- she  
22 couldn't convince him to -- or he didn't -- he  
23 didn't -- he ended up leaving -- or maybe she  
24 convinced him to go down the stairs, but she  
25 didn't -- he didn't go in.

IMPOUNDED TRANSCRIPT

5-214

1 Q. That was on the prior occasion, correct --

2 A. Yeah. Yes.

3 Q. -- not -- not on the 12th?

4 A. No. No.

5 Q. Okay.

6 A. So that made -- when I heard that, it made  
7 sense to me, and I thought that was a good idea.

8 Q. Could you hear anything that Officer  
9 Carruthers was saying to Mr. Reilly?

10 A. I believe -- someone was saying it, so I  
11 believe that was Joe. I remembered Joe's voice  
12 was very -- it was very calm.

13 Q. All right. And is Mr. Reilly saying anything  
14 back at this point?

15 A. It's the same thing. He never deviated.

16 Q. All right. And at any point did he drop that  
17 knife?

18 A. No.

19 Q. Okay. So at some point the situation shifts,  
20 correct?

21 A. Yes.

22 Q. Can you describe to was what happened next?

23 A. Officer Papia, he was typically -- just the  
24 same thing going on for a while; and Officer  
25 Papia went back to reload -- or stepped back, in

1 any case, of that I'm sure of -- and he tripped  
2 on the ice behind him, and fell to the ground.

3 Q. What were you doing at the time that Officer  
4 Papia tripped and fell?

5 A. I was still looking at -- I saw that, because  
6 Steve wasn't that far away from me; and -- and I  
7 saw Brendan, the same way he had looked when I  
8 missed the knife when I was shooting at it with  
9 the less-lethal, that's what he did with Steve.

10 And he kind of went forward and up at the  
11 same motion.

12 Q. Did you try to do anything at that moment?

13 A. I tried to shoot the shotgun and I had  
14 nothing.

15 Q. You had nothing.

16 Did that mean you didn't have -- there was  
17 no round?

18 A. I either hadn't reloaded or something -- or  
19 hadn't expelled the shell or something.

20 Q. Okay. At the moment you're trying to fire  
21 the shotgun, can you describe for us what you're  
22 seeing Mr. Reilly do?

23 A. Go up and forward.

24 Q. Go up and forward?

25 A. Yeah.

1 Q. Had -- how far up has he gone?

2 Like, is he on knees?

3 Is he on his feet?

4 A. He's on his feet.

5 Q. Okay.

6 A. And he's in a crossed position kind of going  
7 forward, almost got himself straightened out  
8 kind of like on a -- like, on a starting block.  
9 Maybe a little higher. Like, if you were like  
10 that.

11 Q. Oh, like a sprinter or something?

12 A. Yeah, like that. But higher. A little more  
13 further along, you know.

14 Q. What direction is he going?

15 A. Right at Steve.

16 Q. Could you see what was happening with the  
17 knife at that point?

18 A. I -- I can't.

19 Q. All right.

20 A. I -- I -- I know he's still got it. He never  
21 dropped it.

22 Q. Okay. Did you see how far away from Officer  
23 Papia he was at the moment that you tried to  
24 fire?

25 A. He was in maybe -- I don't know. I -- I -- I



1 estimate ten feet. Maybe -- but maybe more.

2 Q. Okay. What did you do when your shotgun did  
3 not fire?

4 A. I remember thinking, that, like, I looked --  
5 that -- that was bad.

6 I looked down real quick and realized  
7 my -- I shouldn't be on my shotgun.

8 I looked up and it -- just as he was  
9 maybe -- I don't know -- four feet from Steve  
10 and -- and Joe fired.

11 Q. Okay. So you looked --

12 A. And I heard the shots about the exact same  
13 time I looked up and saw that.

14 Q. All right. So you looked down --

15 A. Yes.

16 Q. -- to see why your shotgun didn't fire?

17 A. Yeah.

18 Q. You look back up again?

19 A. Yep.

20 Q. What is Mr. Reilly doing?

21 A. He had just gotten shot -- or he was just  
22 right at Steve and was just getting shot.

23 Q. Where is -- where is Officer Papia at that  
24 moment?

25 A. He's just almost scrambled to his feet.

1 Q. Okay. You said that you heard -- did you  
2 hear gunshots?

3 A. I did.

4 Q. Do you remember how many you heard?

5 A. I recall three.

6 Q. You recall hearing three?

7 A. Yeah.

8 Q. Could you tell where the gunshots were coming  
9 from, like, who fired?

10 A. I knew where they were coming from. I knew.

11 Q. How did you know?

12 A. Well, Joe was -- Joe had the -- the lethal  
13 cover.

14 Q. All right. So it made sense that it was  
15 coming from him?

16 A. Um-hum. Yes.

17 Q. Could you see whether those gunshots --  
18 whether there was any physical reaction from  
19 Mr. Reilly to those shots? Like, what happened  
20 to his body?

21 A. He froze. He froze.

22 Q. Okay. And then what happened?

23 A. He slowly went down to his seat, back stepped  
24 a couple steps back, and went down to his seat,  
25 and then onto his butt, and then -- then lied

1 down.

2 Q. All right. Could you see whether he still  
3 had the knife?

4 A. He did, because I remember still telling him,  
5 Drop the knife; and some of the others were  
6 saying the same thing.

7 Q. All right. How long did this part go on for?

8 A. Not too long.

9 Sean went to get the bag as soon as -- as  
10 soon as he was shot and --

11 Q. Was that the medical bag?

12 A. The medical bag.

13 Q. Okay.

14 A. And I knew as quick as we get the knife out  
15 of his hand is as quick as we could administer  
16 aid to him.

17 So when I -- I thought I had an  
18 opportunity; I came up behind him and I stepped  
19 on his wrist --

20 Q. Okay.

21 A. -- and I removed the knife from his hand and  
22 threw it to my right.

23 Q. Threw it too your right?

24 A. Yes.

25 Q. Okay. Once the knife was out of his hand,

1 did you see whether anyone was able to give him  
2 medical aid?

3 A. Yeah.

4 Q. And what -- so what happened?

5 A. Sean kept it -- stepped in and started doing  
6 chest compressions.

7 And I could hear the ambulance. Someone  
8 must have called them; let them know that I  
9 ambulance should come up, because I could hear  
10 their sirens, too.

11 Q. Okay.

12 A. Or I thought I could anyways.

13 Q. Did the EMS personnel eventually take over?

14 A. Yes. They were there very quickly.

15 Q. All right. Did you hear anyone call out over  
16 the radio about shots being fired?

17 A. I -- what -- I probably didn't it hear it on  
18 the radio; but at the scene, I could hear it,  
19 yes.

20 Q. Okay. Who -- do you know who -- who would  
21 have said that?

22 A. Joe.

23 Q. All right. Did you make any further calls or  
24 any further requests for service after the shots  
25 were fired?

1 A. I did. I called for a camera, and I think I  
2 called -- told them to call the Eliot House at  
3 some point.

4 After that, I think I also called the  
5 plate in, because I was thinking along the lines  
6 of we need witnesses who might be in the area.

7 I was thinking about it, like, it was my  
8 report. And I started to canvass houses.

9 Before that I -- I called and said they  
10 got to get someone from the Eliot House here,  
11 because I remembered we still had the victim  
12 inside; and I didn't know if he had been  
13 stabbed -- I didn't think so -- but I knew he  
14 would at least need some kind of phycological  
15 care.

16 Q. All right. So you --

17 A. And get somebody -- and I didn't want to  
18 taint any -- I knew if I went in there and talked  
19 to him they would have said I tainted 'em. So I  
20 many didn't go into the house.

21 Q. All right. But you knew that somebody needed  
22 to come and check on the people who were still in  
23 98 Hancock Street?

24 A. Yes.

25 Q. Okay. Officer Frissore, you mentioned that

1 you've gone through a -- a series of training in  
2 the course of your career.

3 I'm just going to show a packet of  
4 training materials.

5 THE COURT: If you just want to mark  
6 them.

7 MS. GEMMILL: Okay.

8 THE COURT: I know they're his materials.

9 MS. GEMMILL: All right. Well, they do  
10 say "John Frissore."

11 So I'd -- I'd offer the training  
12 materials of Officer Frissore as the next  
13 exhibit.

14 THE CLERK: Number 97, your Honor.

15 (Exhibit 97, Training materials of  
16 Officer Frissore, was received in evidence.)

17 BY MS. GEMMILL:

18 Q. And, sir, you also participated in a recorded  
19 interview just a couple days after this incident  
20 with Sergeant DeLucia of the Massachusetts State  
21 Police; is that correct?

22 A. I recall that.

23 Q. Okay. And you had an opportunity to listen  
24 to your interview?

25 A. I have.

1 Q. Have you also had an opportunity to review  
2 the transcript that was prepared?

3 A. Yes.

4 Q. Okay. And is that transcript an accurate  
5 reflection of the words that were said during  
6 your interview?

7 A. It is.

8 Q. Okay.

9 MS. GEMMILL: All right. And, your  
10 Honor, I'd mark the transcript of Officer  
11 Frissore's recorded interview as the next  
12 exhibit.

13 THE COURT: All right.

14 MS. GEMMILL: One second.

15 There you are.

16 THE CLERK: Exhibit 98.

17 (Exhibit 98, Transcript of Officer  
18 Frissore's recorded interview, was received in  
19 evidence.)

20 BY MS. GEMMILL:

21 Q. And also as part of that you prepared -- you  
22 marked a couple of maps that are referenced in  
23 your interview too; is that correct?

24 A. Yes.

25 MS. GEMMILL: And, your Honor, I'd mark

1 the two maps from Officer Frissore in his  
2 interview as the exhibit next.

3 THE COURT: Ninety-nine.

4 THE CLERK: Ninety-nine.

5 (Exhibit 99, Two maps, were received in  
6 evidence.)

7 MS. GEMMILL: One moment, please.

8 (Discussion off the record.)

9 BY MS. GEMMILL:

10 Q. And Officer Frissore, at some point, you were  
11 asked to fill out a Use of Force Form, a check  
12 list, in relationship to your involvement in this  
13 case; is that correct?

14 A. Yes.

15 Q. Okay. And that wasn't right away after the  
16 incident; is that right?

17 A. It wasn't.

18 Q. Okay. In fact, that looks like you filled it  
19 out on October 18th of 2022?

20 A. Sound right.

21 Q. Okay. And you also didn't write your own  
22 report regarding these events, correct?

23 A. I did not yet.

24 Q. And why was that?

25 A. I wasn't asked to, and I believed that the



1 statements I gave to officer -- Sergeant DeLucia  
2 would constitute my -- my report.

3 Q. Okay. Thank you.

4 MS. GEMMILL: I'd just ask to mark the  
5 Use of Force Report for officer John Frissore,  
6 dated October 18th as the next exhibit.

7 THE CLERK: Exhibit 100.

8 (Exhibit 100, Use of Force Report for  
9 officer John Frissore, dated October 18, were  
10 received in evidence.)

11 MS. GEMMILL: Thank you.

12 (Discussion off the record.)

13 MS. GEMMILL: I don't have any further  
14 questions for you Officer.

15 Thank you.

16 THE COURT: Mr. McDonald?

17 Mr. Heineman.

18 MR. HEINEMAN: Briefly.

19 Thank you, your Honor.

20 EXAMINATION

21 BY MR. HEINEMAN:

22 Q. Were all five of you officers transported  
23 together in the ambulance to the hospital after  
24 the shooting?

25 A. No.

1 Q. How -- how'd you get -- did you go the  
2 hospital?

3 A. I did.

4 Q. And how'd you get to the hospital?

5 A. I believe someone from the fire department  
6 transported me, sir.

7 Q. With regard to Officer Papia falling, today  
8 you said you saw him fall because of the ice?

9 A. I did.

10 Q. Do you remembering telling Sergeant DeLucia  
11 that you didn't know how he fell, you didn't see  
12 him fall?

13 A. No, I -- I did see him fall.

14 I told -- I told -- that area is when I  
15 said I looked down at the gun.

16 But I did see him step back on the ice.  
17 It was apparent why he fell.

18 Q. Okay.

19 MR. HEINEMAN: Bear with me one second.

20 BY MR. HEINEMAN:

21 Q. On page 34 DeLucia asked you, So did you see  
22 how Steve fell?

23 And your answer was, How Steve fell?

24 No, I didn't because I looked down at my  
25 gun at that time.

1 A. I can picture Steve -- I -- I did look down  
2 at my gun, but that was a very brief time because  
3 I knew I shouldn't have my eyes on my guns.

4 Q. Okay.

5 A. I saw him standing up. I defiantly remember  
6 seeing it.

7 Q. Now, going back -- and I apologize that I did  
8 this chronologically out of order -- I'm going to  
9 back to when Brendan first ran out of the yard?

10 A. Okay.

11 Q. When Brendan ran out of the yard and was  
12 running across the rotary just before he fell the  
13 first time --

14 A. Okay.

15 Q. -- do you remember telling the sergeant that  
16 you know that Steve Papia shot the shotgun then?

17 A. I believed he did, but I don't know if it's  
18 just that I managed it because he fell at the  
19 same time -- or I thought he fell because of  
20 that.

21 But I believed it at that time, and it  
22 might be the case; it might not be. That's all  
23 I'm saying.

24 Q. Okay. Then -- and do you remember telling  
25 the sergeant that, you know Steve fired the bean

1 bag first and he hit him because you remember  
2 seeing a welt on Brendan's leg?

3 A. I did later on, yeah.

4 I don't know if that was from the first  
5 fall or later on.

6 Q. All right. What's the closest you were to  
7 Brendan when you fired the shotgun?

8 A. I thought I was within about 12 feet or so;  
9 maybe a little more. It's tough to gauge.

10 Q. And did you see Officer Papia's last couple  
11 of bean bag shots into -- into Brendan?

12 A. I didn't see where they landed, no.

13 Q. Did you see where he was when you fired them?

14 A. Yes.

15 Q. And how close was he to Brendan when he fired  
16 those?

17 A. Maybe about the same distance. I think we're  
18 all about the same; it's just in a different --  
19 you know, around him.

20 MR. HEINEMAN: Thank you, Officer.

21 THE COURT: Anything?

22 MS. GEMMILL: Nothing further.

23 THE COURT: All right. Sir, you can step  
24 down.

25 Why don't we take a break.

1           Come back at 2:00.

2           MR. VAN EPPS:    Sure.

3           THE COURT:    And let's try and get started  
4 right at 2:00 --

5           MR. VAN EPPS:    Yes.

6           THE COURT:    -- so we can make sure we can  
7 get through everything.

8           THE COURT OFFICER:  All rise.

9           Court will be in recess.

10          (12:56 p.m. court in recess.)

11          (2:03 p.m. court resumes.)

12          THE CLERK:    Court.  All rise.

13          You maybe seated.  Court is in session.

14          THE COURT:    All right.  Before we get  
15 started, I apologize for my tone.  I don't -- I  
16 know how difficult this is for you all.

17          That said, I can't have people talking.  
18 Okay.

19          THE CLERK:    We are -- we are recording,  
20 your Honor, the sealed record; recalling case  
21 22227IN001, an Inquest into the Death of Brendan  
22 Reilly.

23          MR. VAN EPPS:    Good afternoon, your  
24 Honor.

25          The next exhibit's going to be a disk

1 with all the officers's recorded interview.

2 THE COURT: All right.

3 MR. VAN EPPS: And --

4 THE CLERK: 101.

5 (Exhibit No. 101A, Disk containing  
6 recorded interviews of officers, received into  
7 evidence.)

8 MR. VAN EPPS: And the after that -- the  
9 disk is labeled 911 call, but it's got that and  
10 the radio transmissions --

11 THE COURT: Okay.

12 MR. VAN EPPS: -- which I don't think we  
13 have yet in evidence. We have a CAD sheet.

14 THE CLERK: We'll make this one 101A and  
15 101B.

16 (Exhibit No. 101B, 911 Calls and radio  
17 transmissions, received into evidence.)

18 MR. VAN EPPS: The next witness will be  
19 Andrew McAleer.

20 THE CLERK: Please raise -- raise your  
21 right hand, sir.

22 Do you swear and affirm the testimony you  
23 give before the Court today is the truth and  
24 nothing but the truth?

25 THE WITNESS: Yes, sir.

1 THE CLERK: Thank you.

2 ANDREW MCALEER, SWORN

3 THE COURT: And, Mr. McAleer, if you  
4 would just state your name for the record.

5 THE WITNESS: Andrew McAleer.

6 THE COURT: All right. And I -- I know  
7 you've been sitting here when I've gone through  
8 this with the -- the other two Lexington police  
9 officers that have testified.

10 You understand that this is an inquest  
11 into the events arising out of Mr. Reilly's death  
12 and that the purpose of this inquest is to  
13 determine whether or not there was any criminal  
14 wrongdoing on behalf of anyone at the scene.

15 Do you understand that?

16 THE WITNESS: Yes, your Honor.

17 THE COURT: All right. Understanding  
18 that, because you are one of the officers that  
19 was at the scene, you have a right to remain  
20 silent. Nobody can force you to testify against  
21 yourself. These proceedings are being recorded.

22 Have you had enough time to discuss those  
23 issues with your attorney?

24 THE WITNESS: I have.

25 THE COURT: Understanding all of those

1 rights and understanding whatever discussions  
2 you've had, do you want to waive any privilege  
3 against self-incrimination and testify today?

4 THE WITNESS: I'll testify.

5 THE COURT: All right.

6 EXAMINATION

7 BY MR. VAN EPPS:

8 Q. Good afternoon, sir.

9 A. Good afternoon, sir.

10 Q. You were previously employed by the Lexington  
11 police?

12 A. Correct.

13 Q. For how many years?

14 A. Four years.

15 Q. Okay. What years were those? What years?

16 A. Okay. 2018 to September 1, 2022.

17 Q. What did you do before that?

18 A. So I worked at the Department of Correction.  
19 I worked as a labor attorney.

20 Q. Okay. And were you based out of Norfolk?

21 A. Yes.

22 Q. Okay. And you do that for approximately how  
23 long?

24 A. A decade.

25 Q. Okay. What'd you do before that?



1 A. So I was in private practice for ten years.

2 Q. Okay. When you became a police officer,  
3 where did you attend the academy?

4 A. Northern Essex Community College.

5 Q. Okay. And, just generally speaking, what  
6 were the types of areas of instruction you went  
7 through at the academy?

8 A. Okay. So similar to what my colleagues  
9 testified to.

10 So we would have done defensive tactics,  
11 criminal law, criminal procedure, building  
12 searches, firing range.

13 Q. Okay. And annual inservice training?

14 A. Yes, sir.

15 Q. Okay. And the topics for annual inservice,  
16 did those also include things like defensive  
17 tactics, sometimes deescalation and other things  
18 like that?

19 A. Yes.

20 Q. Okay. Did you receive any training in  
21 less -- less-lethal ammunitions or weapons?

22 A. Yes. Well, with the Lexington police, not  
23 during inservice.

24 Q. Okay.

25 A. Yeah.

1 Q. And -- and is that on the -- the Super-Sock®  
2 shotgun-fired system?

3 A. Yes.

4 Q. Okay. Prior to February 12, 2022, were  
5 you -- were you familiar with Brendan Reilly?

6 A. No.

7 Q. Okay. Had you responded to 98 Hancock Street  
8 on your own before?

9 A. Yes.

10 Q. Okay. For -- for what types of events or  
11 calls.

12 A. So I was called in connection with one of the  
13 residents who had purportedly barricaded herself  
14 in a room, and there were concerns that she was  
15 suicidal.

16 Q. When was that in relation to February of  
17 2022?

18 A. I'm saying approximately winter of 2019.

19 Q. Okay. So some time before?

20 A. Yes.

21 Q. Okay. In February of 2022, did you  
22 understand that location to be a -- an Eliot  
23 Group Home?

24 A. I knew it was a group home. I did not know  
25 the name of it, but...

1 Q. Okay. On February 12, 2022, what was your  
2 shift you were working that day?

3 A. So I would have been on a B shift, 7:45 a.m.  
4 to 4:00 p.m.

5 Q. Before that shift, when had you last been on  
6 duty as a police officer?

7 A. So that was a Saturday. I would have worked  
8 the day -- the same -- a B shift on that Friday.  
9 So it would have been on February 11th.

10 Q. Okay. And did you attend the roll call that  
11 morning with Sergeant Demambro?

12 A. Yes.

13 Q. Okay. Anything unusual or out of the  
14 ordinary brought to your attention during that?

15 A. You -- you mean in connection with 98 Hancock  
16 or just --

17 Q. Yes.

18 A. Got it.

19 No, nothing.

20 Q. Okay. (Cell phone pings.) Sorry.

21 Around 12:38 p.m., maybe a little after  
22 that, did you become aware that there was a --  
23 a -- people were dispatched to 98 Hancock Street?

24 A. Yes.

25 Q. In substance, what were you made aware of

1 through paying attention to the radio?

2 A. So dispatch came over the radio, said that a  
3 jogger had called him and told them that a member  
4 of the Eliot House was -- asked the jogger to  
5 call the police.

6 He was in fear of his life; that a -- a  
7 roommate was trying to kill him.

8 Q. Okay. At that time -- so dispatch sends the  
9 413 and the 415 car, which is Papia and Frissore.

10 What is your assignment at that time?

11 A. So I would have been in the 412 sector, which  
12 is also what we call an east car, for the east --  
13 East Lexington.

14 Q. Okay. And do you remember where you were  
15 when all these events started happening?

16 A. I do, yes.

17 Q. Where?

18 A. So I would have been at the Community Christ  
19 Church, which is on Mass. Ave.

20 I would say it's about three-tenths of a  
21 mile, or two to three-tenths of a mile east of  
22 Lexington Center.

23 I was watching traffic coming in and out  
24 of Lexington Center.

25 I was actually in their jug-handle

1 driveway at the top, and I remember, you know,  
2 listening to -- to the radio traffic at the time.

3 Q. Okay. Did there come a time where something  
4 about the events unfolding on the radio caught  
5 your attention and you began to pay more  
6 attention to them?

7 A. Yes.

8 Q. Tell me about that.

9 A. So Officer Papia, as he testified earlier --  
10 he had called -- I believe over his handheld --  
11 he asked for the 413, which would have been  
12 Officer Carruthers to come and offer backup.  
13 That there was a -- a knife present.

14 Q. Okay. And what did you decide to do at that  
15 point?

16 A. So once I heard there was a knife, and  
17 considering the -- the -- the seriousness of the  
18 allegations, I turned on my siren and, you know,  
19 lights, and -- and exited the Community Church of  
20 Christ, heading, you know, westerly towards  
21 Lexington Center.

22 Q. How long did it take you to get to 98 Hancock?

23 A. I -- I would be ballparking, but two to  
24 three minutes.

25 When I approached Lexington Center, the

1 413, Officer Carruthers, he was coming out of the  
2 station. I yielded to him.

3 He proceeded in front of me, and I  
4 followed as best I could behind him.

5 Q. Okay. And when you got to the vicinity of  
6 98 Hancock, you know, there's a -- a rotary of  
7 several roads that feed into it.

8 How did you, you know -- how did you  
9 approach from?

10 A. So I would have been coming down Hancock;  
11 and, when I arrived on scene, I took a right into  
12 the Diamond School sweep and parked there.  
13 Parked my cruiser.

14 Q. Okay. And you're operating a marked cruiser?

15 A. Yes, sir.

16 Q. Are you in uniform at this time?

17 A. Yes.

18 Q. And as you respond to this call, is this --  
19 are you just driving?

20 Do you have any of your emergency lights  
21 or siren on, or...

22 A. I would have had, you know, my emergency  
23 lights on. I might have turned them on as I  
24 approached the scene, just so that I -- I  
25 wouldn't -- you know, whether there's allegations

1 of domestic violence here, you don't want to  
2 attract too much attention.

3 So I -- I got my cruiser discreetly out  
4 of the way --

5 Q. Um-hum.

6 A. -- from the actual (indiscernible) facility.

7 Q. Okay. When you arrived, did you have a --  
8 did you have a particular concern about what the  
9 situation was going to be when you responded?

10 Like, what you were going to find when you  
11 got there?

12 A. So, as soon as I pulled in, Sergeant  
13 Demambro, who would have been the commanding  
14 officer at the time, had called over the radio,  
15 if this is a barricade situation I can get  
16 NEMLEC.

17 So as soon as I pull in, I'm thinking,  
18 this could be a barricade situation.

19 Q. Okay. You didn't know that. You're just  
20 supposing at this point?

21 A. Right.

22 Q. Okay. And -- and NEMLEC is -- it's a  
23 regional SWAT Team?

24 A. Correct.

25 Q. Okay. When you got there, did you see other

1 officers, and if so, where were they?

2 A. Okay. So I did when I got out of my -- my  
3 cruiser. It was surreal.

4 A see a gentlemen running past the rotary  
5 and he falls. Does, like, all most like a swan  
6 dive. And I did see officers in tow, chasing  
7 him.

8 Q. Okay. The gentlemen who -- who ran, and you  
9 describe a swan dive, can you describe what this  
10 person looked like and what this person's  
11 wearing?

12 A. He was in a T-shirt, gray shorts, I believe  
13 he had sneakers on. A white male.

14 Q. Okay. And at that point could you see that  
15 person's hands?

16 A. No. No.

17 Q. Okay. So you see this person fall; you see  
18 other officers, I guess, running behind him.

19 A. Um-hum.

20 Q. What's your reaction to that at that point?

21 A. So I -- I yelled to my fellow officers, Do  
22 you want me to spray him? Like --

23 Q. Referring to what?

24 A. -- meaning -- meaning to my -- my pepper  
25 spray.



1 Q. Okay.

2 A. So I would have pulled that out of my duty  
3 belt and had that at the ready, if needed.

4 Q. Okay. Did you get a response?

5 A. I did, yes.

6 Q. What was the response?

7 A. I got -- it's -- it sounded like a chorus of  
8 noes.

9 Q. Okay.

10 A. Loud. No.

11 Q. Okay. So then what'd you do with the -- I  
12 know you called it pepper; it's OC spray, right?

13 A. Correct.

14 Q. What'd you do with it at point?

15 A. So I had my -- I would, even though it was a  
16 warm day, I would have my cruiser jacket on; I --  
17 I put it in -- I put it in my right pocket.

18 Whether or not I ran up with it, I don't  
19 know. But eventually it -- it would have been in  
20 my right cruiser pocket.

21 Q. All right. So, then, what do you do at that  
22 point?

23 A. So I -- I immediately -- I think I heard  
24 Officer Carruthers giving some direction to  
25 the -- the officers who were already there.

1 I believe I said in my interview to -- to  
2 the State Police -- it was almost like a wedge  
3 formation off the gentleman who was on the  
4 ground.

5 I didn't know his name then -- then. I  
6 didn't know who he was.

7 So I stayed behind the -- the wedge  
8 formation and provided whatever assistance I  
9 would be needed -- be needed for.

10 Q. All right. Are -- are you -- are you holding  
11 any weapons as this is going on?

12 A. I'm not holding anything at that time, no.

13 Q. So what are you doing with your hands?

14 A. So I probably was keeping them at my side.

15 I was looking around. I was very  
16 cognizant of pedestrian traffic.

17 At one point a cyclist came up behind.  
18 I'm trying to keep people back. I was very aware  
19 of Rabbi Bukiet, and the gentlemen who turned out  
20 to be his son-in-law.

21 But I would have had my hand on my  
22 weapon, which would be on my right side.

23 I would have put -- my weapon would have  
24 been a Glock 17. I put the hood down -- there's  
25 another release on your holster, and I just made

1 sure that I could release that weapon if needed.

2 Q. Okay.

3 A. But, again, I mean, I'm concerned of  
4 crossfire; my collogues.

5 Q. Okay.

6 A. I then observed Officer Sullivan so...

7 Q. So -- and, just to be clear, when you're --  
8 when you're testifying, and you're describing  
9 actions. You're saying you would have.

10 Are -- are you referring to what you did  
11 do, or are you guessing?

12 A. Oh, I'm -- no, I -- I did. I would have --

13 Q. Okay.

14 A. -- I -- I did put my hood down, yeah.

15 Q. Okay.

16 A. Yeah.

17 Q. I just wanted to make I understood you.

18 So you've -- you've kind of got your hand  
19 near your gun, but it's not out yet?

20 A. No.

21 Q. You're looking around.

22 Do you have a sense of how many people  
23 were in the vicinity -- either pedestrians,  
24 cyclists, joggers, whatever?

25 A. I knew -- I knew the -- at one point the

1 cyclist came. I was very cognisant of Rabbi  
2 Bukiet, I said, and -- and -- and his -- it  
3 turned out to be his son-in-law -- son-in-law.

4 I was asking them to keep back. I was  
5 periodically looking back up Hancock Street to  
6 make sure traffic wasn't coming.

7 Q. Okay.

8 A. The world was still going, you know. People  
9 were still doing what they were doing that day.

10 I knew the Chabad Center was -- was down  
11 the street.

12 I can't remember if I actually saw any  
13 pedestrian traffic down there, but to my left I  
14 could see people by Hamilton.

15 Q. Um-hum.

16 A. So I was very aware of -- of pedestrian  
17 traffic.

18 Q. What do you remember about the weather and  
19 conditions that day?

20 A. It was a beautiful day. Sunny, warm.

21 Q. Okay. Unseasonably warm?

22 A. Unseasonably warm, yes.

23 Q. So you described, a second ago, I think you  
24 used the words the "wedge formation," or words to  
25 that effect.

1           Where did that -- when you -- when you  
2 saw that happening and you were apart of that,  
3 where was that in the rotary, or in the vicinity  
4 of the rotary?

5           A.    So it would have been really right on the  
6 threshold of Burlington and Hancock, maybe almost  
7 flush with -- with the Diamond driveway. The  
8 Diamond School driveway.

9           Q.    Okay.

10          A.    But, yeah. Maybe even on Burlington Street,  
11 but it was -- it was past the rotary.

12          Q.    Okay. The -- so the man who had been  
13 running, who you were -- who ran past you and  
14 then fell, as the officers approached, can you  
15 hear what is being said back and forth and who's  
16 saying it?

17          A.    I'm hearing -- I'm hearing, first of all, I  
18 think I heard the name Brendan. It turns out,  
19 obviously, to be Mr. Reilly.

20                So I -- I -- I had a sense that John and  
21 Steve were yelling the name Brendan.

22                So I'm like, okay. They know this  
23 gentlemen. They -- they've -- they've -- they've  
24 worked with them in the past.

25                But I'm hearing, you know, Drop the

1 knife. And, of course, by this time, I actually  
2 see the knife.

3 You know, we -- we -- we want to -- we  
4 want to get you back with your family. We want  
5 to get an ambulance for you; get you to the  
6 hospital. Things of that nature.

7 Q. Responses coming from Mr. Reilly, if any?

8 A. Yes. Things like, I'm connected. I'm in the  
9 mafia. I'm in the mob.

10 Q. Okay.

11 A. Things of those nature.

12 Q. Okay. And you described seeing the knife.

13 What hand was it in?

14 A. It was his right hand.

15 Q. Okay. And can you show me or -- or -- or  
16 demonstrate for Judge Brennan how you recall it  
17 being held?

18 A. Okay. So it would have been in his right  
19 hand. Stainless -- wooden handle. Stainless  
20 steel blade facing up. Approximately seven  
21 inches.

22 Q. Up from the side where the thumb is?

23 A. Yes.

24 Q. Okay. All right. And -- so Mr. Reilly  
25 falls.

1           Where is each officer standing in relation  
2 to him? What's your --

3 A.   Okay. So --

4 Q.   What's your memory?

5 A.   Mr. Reilly's head would be facing, I would  
6 say, west, okay.

7           So if I'm looking this way, Officer  
8 Frissore would be on my left; Officer Carruthers  
9 would be center right; Officer Papia far right.

10          Twelve o'clock, down by Blake, is Officer  
11 Sullivan with his cruiser.

12 Q.   Does he arrive before or after you?

13 A.   You know, I -- I -- I don't know. I -- I  
14 don't know.

15 Q.   Okay. All right. So you've described sort  
16 of the layout of -- of each person.

17          You've described what's being said to  
18 Mr. Reilly and what he is saying back.

19          What happens from there?

20 A.   So we continue to try to work with him.

21          I remember seeing Officer Frissore fire  
22 one round with the Super-Sock®. Missed  
23 Mr. Reilly's hand. I remember seeing that skip  
24 towards Officer Sullivan.

25          It was a very fluid situation in many

1 respects.

2 Mr. -- Mr. Reilly was -- was -- was  
3 dictating what he did in far as our movements go.

4 Q. What do you mean?

5 A. Well, he would -- he would kind of snap up,  
6 almost like, as quick as a mousetrap. He had  
7 very quick reflexes.

8 When he did that, we moved back. We gave  
9 him his space.

10 Continued commands like, Drop -- this is  
11 when you would get a chorus of Drop the knife,  
12 drop the knife.

13 Because he seemed very strong. He could  
14 actually lift himself off the ground and hold  
15 himself up.

16 We've heard testimony of, like, moving,  
17 like, a crab. He could do that.

18 Q. Focus -- focus on what you remember.

19 A. Yeah. So -- so that's what I remember as  
20 well.

21 Q. Okay.

22 A. You know, and that -- and then, as he went  
23 back down, we would maybe kind of come in again  
24 and try to contain him from --

25 Q. So at different points the -- the -- the



1 officers are closer and further from Mr. Reilly  
2 at different points, right?

3 A. Right.

4 Q. At the point at which they're -- you know,  
5 kind of giving him space, using the -- you know,  
6 pretend that you're Mr. Reilly and I'm one of the  
7 officers.

8 Should I be closer to you, or should I  
9 back up?

10 A. Father away, yep.

11 Q. Just tell me when.

12 A. I mean, yeah. Easily that far.

13 Q. Okay.

14 A. It would be approximately there.

15 Q. Okay.

16 THE COURT: All right. We've already  
17 established that distance is somewhere around  
18 20 feet.

19 MR. VAN EPPS: Right.

20 THE WITNESS: Yeah.

21 BY MR. VAN EPPS:

22 Q. Now, you've described -- you were kind of  
23 keeping your hand near your gun, although not  
24 drawing it.

25 What is everybody else holding?

1 A. So Officer Frissore, at -- at first he did  
2 have his baton. Then he did have the less-lethal.

3 Officer Carruthers did have his service  
4 weapon, his Glock 17. And Officer Papia also had  
5 the less-lethal.

6 Q. Okay. And at some point Sullivan is there.  
7 I think you said earlier you weren't sure exactly  
8 when he got there.

9 Could you see whether or not he was  
10 holding a weapon?

11 A. I could not see whether he was holding one.

12 Q. Okay. In terms of the two officers, Papia  
13 and Frissore, that are holding the -- the  
14 Super-Sock® less-lethal shotguns --

15 A. Um-hum.

16 Q. -- can you describe if shots were fired; and,  
17 if so, you know, what you remember happening  
18 for -- for those shots?

19 A. I mean, I -- I -- I know the one John fired.

20 And I just remember, you know, looking --  
21 thinking back now, I remember, like, hearing  
22 shots in my own mind. And I do remember him  
23 wincing.

24 I -- I -- I do recall hearing shots being  
25 fired at him.

1 Q. Okay. And remember hearing it or remember  
2 him wincing, can you -- do you have a memory or  
3 can you describe whether you saw whether any of  
4 those shots hit him or not?

5 A. I don't nowhere they -- they actually hit  
6 him.

7 Q. Okay. You described him wincing.

8 Did you perceive any other reaction to any  
9 of the shots?

10 A. I mean, I think it would kind of hold him at  
11 bay for -- for a second or so.

12 And then he would collect himself, and  
13 then try to snap back up.

14 And then people would say again, Drop the  
15 knife. Get down.

16 Q. Okay. Do you have a sense of how many of  
17 these less-lethal shots you heard -- that you  
18 recalling hearing?

19 A. I'd say two to four at tops that I recall.

20 Q. Do you having a memory of when those shots  
21 are being fired, at what distance they were being  
22 fired from Mr. Reilly?

23 A. It was -- it was very fluid.

24 I mean, I would say it could be anywhere  
25 from -- from 20 to 12 feet.

1 Q. All right. Were there any officers that were  
2 doing more of the talking than others?

3 A. I remember John and Steve, in particular --  
4 like I said, they -- they knew his name. So they  
5 were calling out to him, trying to have some  
6 connection.

7 And -- and in my own mind, those are the  
8 two that I really remember talking to him.

9 I do remember Officer Carruthers, like,  
10 he would tell us to get back.

11 But those -- the -- the three who were in  
12 front of me, you know, Officer Frissore, Officer  
13 Carruthers, Officer Papia, they were all asking  
14 him, you know, to drop the weapon, and that we  
15 want to get you to a hospital; maybe get you back  
16 to -- become with your family. Come on. Drop  
17 the knife.

18 But for in -- in my mind, I remember  
19 Officer Frissore and Officer Papia talking the  
20 most.

21 Q. Okay. And -- and it's -- if I understand  
22 your testimony, it sounds like throughout this  
23 you were facing -- you and the officers were  
24 facing Reilly; he is facing you?

25 A. Yes.

1 Q. Okay. Did there come a time throughout this  
2 where Mr. Reilly would look in other directions,  
3 or -- or seem to focus his attention in other  
4 areas?

5 A. Sure.

6 So he would every so often -- he would  
7 kind of put his -- his left hand down. He still  
8 had the knife, and he would kind of look back;  
9 see if Officer Sullivan was there.

10 I was trying to make eye contact with  
11 him. He -- he did -- I believe he notice me  
12 because we did make eye contact.

13 And somebody said, Hey, come on. We'll  
14 get you to the hospital.

15 And I -- I -- I looked at him, like, Hey,  
16 you know, hey. You know sounds like a good idea.  
17 Like, I'm trying to speak with my eyes to him.  
18 Like, hey, that sounds like a reasonable thing to  
19 do. Let's -- let's -- let's go the hospital.  
20 You know, trying -- trying a different approach  
21 to deescalate.

22 Q. Okay. And when -- when the officers talked  
23 to him and Reilly is speaking back, you know,  
24 what -- what -- what tones are the officers  
25 using, and -- and what tone and what volume is

1 Mr. Reilly using when he's responding?

2 A. Officers were loud; sometimes not so loud.

3 I thought Joe talked in a very even-tone  
4 voice.

5 But when he -- when he snapped up, we  
6 would all yell, Get down. Get down. Drop the  
7 knife. Drop the knife. I'd be very loud and --  
8 and commanding.

9 Q. Okay. And what about Mr. Reilly?

10 A. He would -- he would yell. Screaming. You  
11 know, I'm connected. Get the fuck out of here.

12 Q. Um-hum.

13 A. I'm going to kill ya. I know Whitey. Things  
14 like that.

15 Q. Okay. So you described his position in the  
16 rotary.

17 So how does it progress from there? The  
18 situation?

19 A. We were -- we were -- it was a lot of same,  
20 like -- like I say, if he snapped, we moved. If  
21 he went back down, we kind of came in.

22 Eventually, he did get to his feet.

23 Q. Okay. So let's -- let's talk about that in a  
24 little more detail.

25 The -- the moments leading up to when you

1 describe him getting to his feet, tell me what  
2 was happening.

3 A. Okay. So...

4 Q. Where's everybody -- and is everybody still  
5 in that same formation?

6 A. Yeah, so everybody's -- everybody's still  
7 pretty much where they -- where they were, where  
8 I described.

9 He would -- he'd almost -- a little bit  
10 each time he would get a little bit higher, you  
11 know, like he would get up a little bit more each  
12 time.

13 Q. Um-hum.

14 A. And it just seemed to get more and more  
15 volatile until the point where you're like --  
16 you're like, Come on. Please throw the knife.

17 And eventually he does stand up, but  
18 he -- he was going back and forth. He's lolling  
19 back and forth, and finally he stands up, knife  
20 in hand.

21 Q. Okay. I'd --

22 A. I'm holding my hand, like, he's -- knife in  
23 the sky. The blade in the sky.

24 Q. Up?

25 A. Yes.

1 Q. Okay. And then what happens?

2 A. Then I saw him run towards Steve. I did not  
3 see Steve fall. I don't recall him falling. But  
4 I do remember seeing Steve on the ground --  
5 Officer Papia on the ground.

6 And then I remember the knife like this.  
7 I didn't see him transition it -- Mr. Reilly -- I  
8 didn't see him transition the knife in the hand;  
9 but it was coming down, as I testified to the  
10 State Police, like an ice pick.

11 It wasn't going to a jab. It wasn't  
12 gonna be a flick. It was coming down at Steve,  
13 while Steve was on the ground, like an ice pick.

14 Q. All right. In the moments before you -- you  
15 observed Mr. Reilly on his feet, were any of the  
16 officers moving one direction or the other that  
17 you were aware of?

18 A. So we would have been moving back because he  
19 would have getting -- at least making a motion to  
20 get up.

21 And in this case, unfortunately, he did  
22 get all the way up.

23 Q. Okay. And what -- at what -- how fast or  
24 slow did that occur?

25 A. Very quickly. He -- he -- he -- he -- he



1 covered his distance between himself at -- where  
2 the spot he was at, and Steve, very quickly.

3 He wasn't sprinting, but he was running.

4 Q. When he started, when Mr. Reilly started,  
5 what was the approximate distance between him and  
6 Officer Papia?

7 A. I'd say 20 feet.

8 Q. Okay. And when -- when this happens, where  
9 is your focus?

10 Are you focused on him when it happens, or  
11 are you looking somewhere else and then snap back  
12 to looking at him?

13 A. So I would have had my eyes on him most of  
14 the -- most of the time.

15 I'm kind of moving back between Officer  
16 Frissore and Officer Carruthers throughout these  
17 whole events.

18 At that time, when I saw him get up, I  
19 would have been moving to my right.

20 Q. Okay. At this point of the encounter are you  
21 still, sort of, looking around and taking in  
22 whether there are other, you know, civilians  
23 nearby?

24 A. I would have been periodically, like, yes.  
25 Looking back trying to -- making sure that --

1 that nobody was -- was in danger.

2 I think I might have been the one who  
3 told the -- the cyclist to leave, you know.

4 And I do remember, again, the rabbi and  
5 his son-in-law there, and -- I believe I  
6 testified -- I told them to -- to get back.

7 I kind of remember now Rabbi Bukiet  
8 coming towards the formation. I asked him to get  
9 back or directed him to get back.

10 Q. Okay. When you described Mr. Reilly coming  
11 towards Officer Papia, you had talked about not  
12 seeing the knife transition.

13 The way you gestured -- so originally you  
14 had gestured as if the knife was, you know, blade  
15 up if you're holding it in your hand --

16 A. Right.

17 Q. -- and then, you describe it now being turned  
18 around.

19 If I understand you, you didn't see when  
20 that turn around happened?

21 A. I -- I did not see the transition.

22 As I say, the knife was coming down in a  
23 downward motion. The only other thing I could  
24 think of is if -- if he did not transition it,  
25 then he was doing an -- an over -- an

1 over-the-arm, which is possible.

2 Q. Okay.

3 A. But in my own mind, I'm seeing it coming down  
4 like this. I know I testified to the State  
5 Police it's possible he did this.

6 Q. Okay.

7 A. But it was coming down.

8 Q. And what happened next as he's moving towards  
9 officer --

10 A. I --

11 Q. -- Papia?

12 A. I started to transition to the right towards  
13 Carruthers and then Papia; at that point, Officer  
14 Carruthers utilized the use of force in question.

15 Q. So what did you -- what did you see, or what  
16 did you hear?

17 A. So I -- I -- I heard what seemed to be like  
18 two rapid shots fired center mass on Mr. Reilly.

19 Q. So you heard two shots.

20 When -- when that happens, how far  
21 approximately, from Mr. -- from Officer Papia was  
22 Brendan Reilly?

23 A. Approximately four feet.

24 Q. Okay. And -- and -- what did you next  
25 observe?

1           What -- what reaction was there to the --  
2 the shots, if any?

3 A.   So Mr. Reilly's reaction, you mean?

4 Q.   Yes.

5 A.   Yeah.  So, I mean, it looked like he got an  
6 uppercut to the solar plexus.  He -- he stayed on  
7 his feet.

8           He maintained control of the knife, still  
9 clutching the knife.  He stepped back a few feet;  
10 and it almost seems now like in slow motion, but  
11 he went down on his fanny and then eventually  
12 fell back on feet.

13 Q.   Okay.  And what happened at that point?

14 A.   So he was holding the knife.  There was still  
15 commands for him to drop it.  To drop it.  He  
16 didn't.

17           And then I think when we -- we felt the --  
18 the coast was okay, Officer Frissore went --  
19 approached him.

20           He was --

21 Q.   How --

22 A.   -- able to -- I'm sorry?

23 Q.   How -- between when he -- between when Reilly  
24 fell down and when Frissore went over to get the  
25 knife, how long was that?  Do you know?

1 A. Maybe 30 seconds.

2 Q. Okay. And meanwhile there -- people --  
3 officers are still giving instructions for him to  
4 drop the knife?

5 A. Yes, sir.

6 Q. Who is yelling those instructions?

7 A. We all -- we all where.

8 Q. Okay. You recognize these documents as  
9 your --

10 THE COURT: And Mr. Van Epps, you can  
11 just mark those.

12 MR. VAN EPPS: Certainly.

13 I'll just offer these as the training  
14 documents for this officer.

15 THE CLERK: 102.

16 (Exhibit No. 102, Training documents,  
17 received into evidence.)

18 MR. VAN EPPS: I'm going to offer the  
19 transcript of the interview and the maps  
20 accompanying those.

21 THE COURT: All right. 103 and 104.

22 THE CLERK: 103, 104.

23 (Exhibit No. 103, Transcript of the  
24 interview, received into evidence.)

25 (Exhibit No. 104, Maps, received into

1 evidence.)

2 BY MR. VAN EPPS:

3 Q. And you were approached by Captain Mazerall  
4 some time in March when you completed the Use of  
5 Force.

6 It's a -- it's a --

7 A. Yes.

8 Q. -- a form and a series of checkboxes?

9 A. Yes.

10 Q. Okay. And it's March 22nd; is that right?

11 A. That's correct, yes.

12 MR. VAN EPPS: This is the next exhibit.

13 THE CLERK: 105.

14 (Exhibit No. 105, Use of Force Report,  
15 received into evidence.)

16 MR. VAN EPPS: I have nothing else,  
17 Judge.

18 THE COURT: Mr. McDonald?

19 MR. MCDONALD: Nothing.

20 THE COURT: Mr. Heineman?

21 MR. HEINEMAN: Very quickly.

22 EXAMINATION

23 BY MR. HEINEMAN:

24 Q. Am I understanding you correctly that you  
25 never pulled your gun that day?

1 A. I did -- I did pull it, yes.

2 Q. You did?

3 A. Yes. Yep.

4 Q. You didn't tell the State Police that when  
5 they interviewed you?

6 A. I believe I did tell them that I -- I did  
7 make sure it -- it could be released, yes. I --  
8 I believe I did. Yeah.

9 Q. Thank you.

10 A. I -- I don't believe I -- and I -- and I  
11 don't think that I ever pointed it at Mr. Reilly,  
12 because after -- I would have -- I would have  
13 pulled it out when I transitioned right; but, by  
14 then, the events, the way they unfolded -- they  
15 unfolded; there -- there was no need for me to,  
16 obviously, utilize that weapon.

17 MR. HEINEMAN: I thought I had one more  
18 thing, but -- gone again, so I'm going to call  
19 you a day.

20 THE COURT: All right.

21 MR. HEINEMAN: That's all I have.

22 Thank you.

23 THE WITNESS: Thank you, sir.

24 THE COURT: Thank you, sir.

25 MR. VAN EPPS: I just want to clarify one

1 thing.

2 EXAMINATION

3 BY MR. VAN EPPS:

4 Q. So if I understand your -- your -- what  
5 Mr. Heineman was asking you, does your gun come  
6 out sort of right at the end when the shots are  
7 fired, but ultimately it doesn't come up?

8 A. Right.

9 So when I -- when I -- when I see  
10 Mr. Reilly going towards Steve, I remove my  
11 weapon, but by that time, you know, he -- you  
12 know, whether it simultaneously happened, I don't  
13 know. But by that time, he had been shot.

14 Q. Okay.

15 MR. VAN EPPS: That's all I have, Judge.

16 THE COURT: All right. Thank you, sir.

17 THE WITNESS: Thank you, sir.

18 (Witness excused.)

19 MS. GEMMILL: The next witness is Officer  
20 Sean Sullivan.

21 THE CLERK: Please raise your right hand,  
22 sir.

23 Do you swear and affirm the testimony you  
24 give before the Court today is the truth and  
25 nothing but the truth?



1 THE WITNESS: I do.

2 THE CLERK: Thank you.

3 SEAN SULLIVAN, SWORN

4 THE COURT: All right. Mr. Sullivan, you  
5 understand that the purpose of this inquest is to  
6 determine whether there was any criminal  
7 wrongdoing by any of the people that were  
8 present --

9 THE WITNESS: Yes.

10 THE COURT: -- in this case who were  
11 talking about here is the Lexington police  
12 officers.

13 And I just need to hear you say, yes.

14 THE WITNESS: I do, yes.

15 THE COURT: All right. You have an  
16 absolute right to remain silent. Nobody can  
17 force you to testify against yourself.  
18 Obviously, all of these proceedings are being  
19 recorded.

20 Have you had enough time to consult with  
21 Attorney McDonald about your various rights, and  
22 whether or not you want to the waive those  
23 rights?

24 THE WITNESS: I have, yes.

25 THE COURT: All right. Understanding

1 the fact that you do have the right against  
2 self-incrimination, do you wish to testify?

3 THE WITNESS: I do, yes.

4 THE COURT: All right.

5 EXAMINATION

6 BY MS. GEMMILL:

7 Q. Good afternoon, sir.

8 A. Good afternoon.

9 Q. Now you were employed with the Lexington  
10 Police Department in February of 2022; is that  
11 correct?

12 A. I was, yes.

13 Q. What do you do for work now?

14 A. I work for a special needs program.

15 Q. Can you tell us where?

16 A. The LAB program.

17 Q. Okay. Where is that located?

18 A. I'm based out of Bedford, Mass.

19 Q. And what do you mean when you say a special  
20 needs program, like, what population do you work  
21 with?

22 A. I work with students 16 to 22 years old.

23 Q. Okay. When did you leave the Lexington  
24 Police Department?

25 A. August 31, 2022.

1 Q. How long did you work as an officer for  
2 Lexington police?

3 A. Four -- four years.

4 Q. Prior to joining the Lexington Police  
5 Department, did you work for any other police  
6 departments?

7 A. I did not, no.

8 Q. Did you attend a training academy to learn  
9 how to be a police officer?

10 A. Yes.

11 Q. What academy was that?

12 A. The Lowell Police Academy.

13 Q. Okay. And did you go straight from the  
14 Lowell Police Academy to joining Lexington?

15 A. Yes.

16 Q. And during the time that you were a Lexington  
17 police officer, did you also go through ongoing  
18 training?

19 A. I did.

20 Q. And what kind of training did you through?

21 A. We would have to go to inservice every year.

22 Q. All right. And just -- so what are some of  
23 the general topics you learn at your inservice  
24 training?

25 A. Criminal law, first aid, defensive tactics,

1 mental health, stuff like that.

2 Q. Okay. Did you learn anything about firearms  
3 and other kinds of weapons that you might carry  
4 during your patrol time?

5 A. At inservice?

6 Q. Inservice or any of your training with the  
7 Lexington Police.

8 A. Training, yeah, with the police department.

9 Q. Okay. What were your general duties and  
10 responsibilities as a patrol officer in February  
11 of 2022?

12 A. That the day I was the 411. So I was  
13 responsible for a certain area of the town.

14 Q. Okay. So turning specifically to  
15 February 12th of 2022, do you recall what shift  
16 you were working that day?

17 A. Yes.

18 Q. What was the shift?

19 A. The day shift. It was --

20 Q. And what are the times?

21 A. 7:45 a.m. to 3:45 p.m.

22 Q. Okay. And when you are on a shift, are you,  
23 like, assigned to a certain part of town?

24 A. Yes.

25 Q. Do you recall what part of town you were

1 assigned to that day?

2 A. Like, I previously said, the 411, so kind of  
3 like, East Lexington.

4 Q. Okay. What is the responsibility of the 411  
5 car?

6 Like are a primary being called out to  
7 back something, or are you a backup, or something  
8 different?

9 A. It depends.

10 I mean, sometimes if it's in your sector,  
11 you're the primary; if it's the second next to  
12 you, then you're the backup.

13 Q. All right. And when you're on your patrol  
14 shift, are you wearing your Lexington Police  
15 uniform?

16 A. Yes.

17 Q. Okay. Turning your attention to about 12:38,  
18 12:39 in the afternoon on that day, did you hear  
19 a dispatch go out over the radio?

20 A. I did.

21 Q. Okay. And what -- what generally did you  
22 hear?

23 A. I remember dispatch advising there was a  
24 runner who was going by 98 Hancock who advised  
25 that there was a party on the second floor who

1 was saying someone was attempting to murder him.

2 Q. Okay. Did you hear whether any other  
3 officers were dispatched to 98 Hancock Street to  
4 check on this?

5 A. I did.

6 Q. All right. And did you hear who got  
7 dispatched?

8 A. Yes. The 413 and 415.

9 Q. Who would have been the 413 and the 415 that  
10 day?

11 A. Steve Papia 413; 415 John Frissore.

12 Q. All right. Were you familiar with 98 Hancock  
13 Street prior to that day?

14 A. Yes.

15 Q. What familiarity did you have with 98 Hancock  
16 Street?

17 A. I mean, I've responded to that home multiple  
18 times.

19 Q. Had you responded to that home, like, within  
20 the last year prior to February 12th?

21 A. Right around there.

22 Q. All right. And what kind of calls did you  
23 respond to?

24 Like, why did you have to go to  
25 98 Hancock?

1 A. Usually mental health.

2 Q. All right. Were you familiar with what that  
3 house is, like, what is the service of that  
4 house?

5 A. I mean, I have a rough idea.

6 Q. What was your rough idea?

7 A. That it housed individuals with disabilities,  
8 substance abuse. Stuff like that.

9 Q. Okay. And, again, what were the nature of  
10 the calls that you had responded to there at that  
11 house?

12 A. Mental health.

13 Q. All right. And would that be, like, to try  
14 to help somebody who's the subject of a  
15 Section 12 or something else?

16 A. Yes. Section 12.

17 Q. All right. Were you familiar with any of the  
18 residents of 98 Hancock Street?

19 A. I was.

20 Q. Who were you familiar with?

21 A. Brendan Reilly.

22 And then I knew there was a -- there --  
23 there used to be a female there with black hair.  
24 I do not remember her name.

25 Q. All right. Had you interacted with

1 Mr. Reilly at 98 Hancock Street in the past?

2 A. Yes.

3 Q. And about how long before February 2022 do  
4 you think you interacted him?

5 A. Maybe a year.

6 Q. Okay. Is there anything that stands out in  
7 your memory about your original interaction with  
8 Mr. Reilly?

9 A. I mean, I could tell there -- it appeared  
10 that there was some mental health issues.

11 Q. Okay. And why were you there the first time  
12 that you met him?

13 A. I believe it was for a Section 12.

14 Q. Okay. So turning your attention back to  
15 February 12th of 2022, you hear a dispatch going  
16 out on the radio.

17 You hear the 413 and the 415 are going to  
18 go to 98 Hancock Street.

19 What do you do at that point?

20 A. So at that point, I'm not heading that way,  
21 because we don't know exactly what we have yet.  
22 And I don't want to just show up and rile  
23 everything up. You know, like, I didn't know  
24 what I had yet.

25 Q. Okay. Do you keep listening to the radio



1        dispatches that are going on?

2        A.    I do, yes.

3        Q.    All right.  And, as you're listening, is  
4        there something else that draws your attention  
5        and changes your mind about going to 98?

6        A.    Yes.  It's a --

7        Q.    What do you hear?

8        A.    I believe Steve Papia said there's a --  
9        Brendan has a knife.

10       Q.    Okay.  So when you hear that over the radio,  
11       what do you do?

12       A.    I immediately turn on my lights and head that  
13       way.

14       Q.    Okay.  And why?  What was going through your  
15       mind?

16       A.    I heard "a knife."

17       Q.    Right.  Does -- did that suggest to you that  
18       this was a volatile situation?

19       A.    Yes.

20       Q.    All right.  Did you hear anything else going  
21       on over the radio as you're headed to 98 Hancock  
22       Street?

23       A.    Yes.

24       Q.    What else did you -- what do you remember  
25       hearing?

1 A. I remember Steve calling for Joe to come --

2 Q. Okay.

3 A. -- for backup.

4 Q. Would that be Joe Carruthers?

5 A. Correct, yes.

6 Q. Do you know which car he was in that day?

7 A. The 414.

8 Q. All right. And did you hear Steve or -- or  
9 Officer Papia make any requests for anyone to  
10 bring particular tools to the scene, or  
11 particular weapons to the scene?

12 A. Yes.

13 Q. What did you hear?

14 A. I remember him asking Joe Carruthers to grab  
15 the less-lethal.

16 Q. Now, what does "less-lethal" mean?

17 Did you understand what -- what weapon  
18 that was?

19 A. Yes.

20 Q. And what weapon is that?

21 A. A less-lethal rifle.

22 Q. Is it like a shotgun?

23 A. Shotgun, yes.

24 Q. And in your course of your training with the  
25 Lexington police, did you ever get trained on how

1 to use the less-lethal shotgun?

2 A. Yes.

3 Q. All right. On this particular day, did  
4 you -- what kind of weapons did you have with you  
5 on your person and in your cruiser?

6 THE COURT: So can I just interrupt?

7 If you -- if they were never deployed, I  
8 don't really care.

9 MS. GEMMILL: Okay. I'll move on.

10 BY MS. GEMMILL:

11 Q. Fair to say you did not have a less-lethal  
12 shotgun in a day, correct?

13 A. I did in my cruiser, but I never took it out.

14 Q. Okay. You never took it out?

15 A. No.

16 Q. All right. So you go to 98 Hancock Street.

17 Where do you go first?

18 A. Okay. So I'm coming down North Hancock  
19 towards Hamilton --

20 Q. Okay.

21 A. -- and the 98 Hancock -- or -- yeah, 98  
22 Hancock's over here.

23 As I'm coming down North Hancock, I see  
24 Joe Carruthers pull onto Hamilton and open up his  
25 back trunk, and I believe grab the less-lethal.

1           So at that point, I'm in the rotary prior  
2 to 98 Hancock, and that's when I see Brendan run  
3 through the rotary, or a little bit behind the  
4 rotary.

5 Q. Okay. Did you know it was Brendan at that  
6 point?

7 A. I did, yes.

8 Q. Is that because you recognized him from  
9 before?

10 A. Yes.

11 Q. Can you describe what physical observations  
12 you made of him at that point?

13 A. Yes.

14           He had a knife in his right hand, and I  
15 remember a baggy shirt and baggy shorts.

16 Q. Okay. Where are you when you're observing  
17 him running through the rotary?

18 A. So I'm still in my cruiser at that point  
19 watching it like, Wow, there is a knife here.

20 Q. Okay. What do you do next?

21 A. So at that point when I see Brendan running  
22 through, and then I see Steve, and I see John  
23 running behind him, I immediately backed up.

24           And I'm still in the rotary; now, like,  
25 I'm facing towards Burlington Street.

1 Q. Okay. So you see Mr. Reilly running, and you  
2 see Officer Papia and Officer Frissore pursuing  
3 him?

4 A. Trailing him, yes.

5 Q. Okay. Can you see whether or not they have  
6 any weapons drawn?

7 A. John had his baton out, I believe. I did not  
8 see what Steve had. But -- yeah.

9 Q. So that at point you didn't -- you couldn't  
10 see whether Steve had anything in his hands?

11 A. Correct.

12 Q. Okay. Do you get out of your cruiser after  
13 you back up?

14 A. I do.

15 Q. All right. What is happening in the scene in  
16 front of you when you get out of your cruiser?

17 A. All right. So prior to me getting out of the  
18 cruiser, I remember seeing Brendan -- he had the  
19 knife in his right hand; and he was -- his pants  
20 were so baggy and loose that he was holding them  
21 up in his left hand, as he's kind of, like,  
22 running through.

23 So he tumbles over. So as he tumbles  
24 over, I get out of my cruiser.

25 Q. Could you see why he tumbled?

1 A. It just appeared that he tripped.

2 Q. All right. And when you say he tumbled, did  
3 he actually fall all the way to the ground?

4 A. Yes.

5 Q. Okay. And you were sort of making a gesture  
6 with your right hand when you were describing the  
7 knife.

8 Could you see you how he was holding that  
9 knife?

10 A. Yeah. Just like this.

11 Q. Okay. And you got your -- your hand kind of  
12 lifted up.

13 Which direction is the blade pointing?

14 A. Outward.

15 Q. Okay. So you put your hand up, and the blade  
16 is pointing out awards, like --

17 A. Um-hum.

18 Q. -- forward in front of him?

19 A. Yep. And then he had his left hand on his  
20 pants because they were falling off, and he was  
21 running.

22 Q. Okay. And then you see him stumble in some  
23 way?

24 A. Yes.

25 Q. All right. Could you see what made him

1 stumble?

2 A. I could not.

3 Q. Did you hear any sounds at that point?

4 A. No.

5 Q. Okay. Could you tell whether anyone had  
6 fired, like a less than lethal -- a less-lethal  
7 bean bag round to make him fall?

8 A. So I didn't see it.

9 But I got out of my cruiser and I believe  
10 it was a less-lethal round, or it was a chunk of  
11 ice -- something flew right past me.

12 Q. Okay.

13 A. So at that point I got back in my cruiser.  
14 And then I was, like, Wow, I have to go block off  
15 Burlington Street and -- because there's people  
16 potentially coming towards us.

17 So I got back in my cruiser, pulled the  
18 cruiser back up to Burlington Street.

19 Q. All right. Where was Mr. Reilly at the time  
20 that something flew past you that might have a  
21 been a chunk of ice; might have been a bean bag?

22 A. Right at the, like, end of the rotary, right  
23 in front of Diamond.

24 Q. Okay. Was he already down?

25 A. Yes. He was -- I saw him go down. I did not

1 see him get back up.

2 Q. All right. So you get back in your cruiser.

3 Tell us again, where do you move your  
4 cruiser?

5 A. So I get back in my cruiser, and then I move  
6 it up towards Burlington and Blake, I believe.

7 Q. Okay. Once you've moved your cruiser, do you  
8 stay in your cruiser or do you get out?

9 A. Nope. So I get out. And at that point, it  
10 was already kind of backed up. There was traffic  
11 coming towards -- or from Burlington this way and  
12 Blake.

13 So I immediately tell people, Get out.  
14 Get out. Get out.

15 Q. Okay. So you're pointing. You're trying to  
16 direct --

17 A. Yeah.

18 Q. -- traffic?

19 A. Like, get out of here. Let's go. Go. And  
20 then I come around to the front of the cruiser.

21 Q. When you come around the front of the  
22 cruiser, could you see what was going on with  
23 Mr. Reilly and your fellow officers?

24 A. I could see.

25 Q. Could you describe what the arrangement of



1 those people was?

2 A. Yep. So it was -- it was me, Steve Papia,  
3 Joe Carruthers, John Frissore, and then Brendan.

4 Q. Okay. Now, you had seen Mr. Reilly fall.

5 Is this is a different location then that  
6 first time you saw him fall?

7 A. Yes.

8 Q. All right. And -- and did he ever move --  
9 was there another time that he got up and ran  
10 prior to the incident at the end where -- where  
11 he was shot?

12 A. Say that again, please.

13 Q. Was this, like, sort of the last area that  
14 you saw him down on the ground?

15 A. When I got out of my cruiser?

16 Q. When you got out of your cruiser --

17 A. Yes.

18 Q. -- the second time.

19 A. Yep.

20 Q. Okay. So could you see whether your fellow  
21 officers were holding any kind of weapons?

22 A. Yes.

23 Q. Okay. So who -- who had what?

24 A. Papia and Frissore had the less-lethal, and  
25 Carruthers had his firearm out.

1 Q. Okay. And could you see what Officer Papia  
2 was doing with the less-lethal shotgun, if  
3 anything?

4 A. Yes.

5 Q. What was happening?

6 A. I mean, Brendan was moving back and forth,  
7 and then Officer Papia was moving back and forth.

8 I did not hear the less-lethal go off, but  
9 I know -- I believed that he had been using it.

10 Q. What made you believe that had been using it  
11 if you weren't hearing anything?

12 A. Because, like I said, Brendan would try to  
13 get up, and then he'd go down, so I feel like he  
14 was staying down from the less-lethal.

15 Q. Did it appear he was reacting him to  
16 something that was making him fall back down?

17 A. Yeah.

18 Q. Okay. And could you see how Officer  
19 Carruthers was holding his firearm?

20 A. I could not.

21 Q. All right. And how about Officer Frissore?

22 Did you see Officer Frissore -- what he  
23 was doing with the less-lethal shotgun that he  
24 had?

25 A. Yes.

1           So where I was, another bean bag round  
2 actually almost hit me, again.

3           So from where I was and where Officer  
4 Frissore was, I believe it was from his  
5 less-lethal.

6 Q.   Okay. It looked like the trajectory of a  
7 bean bag was coming from his direction towards  
8 you?

9 A.   Yes.

10           I mean, I didn't see it, but I felt it.

11 Q.   And where did you feel it?

12 A.   Like, right on my quad.

13 Q.   Like --

14 A.   Like, it skid passed me.

15 Q.   Okay. Like, graze -- did it graze --

16 A.   Yeah.

17 Q.   -- you?

18 A.   Yes.

19 Q.   Okay. About how far away from Mr. Reilly  
20 were you at that point when you were at your  
21 cruiser?

22 A.   I'd say 20 feet.

23 Q.   All right. And did you have any sense of how  
24 far away Officer Frissore and Officer Carruthers  
25 and Officer Papia were from Mr. Reilly?

1 A. Ten feet.

2 Q. Okay. Did it look like they were all  
3 equidistant from him, or were they all in  
4 different positions?

5 A. No. It was a lot of moving around.

6 Q. All right. Officer Sullivan, do you remember  
7 seeing other people -- like other civilian people  
8 in the area?

9 A. No one.

10 Q. Okay. So at some point, does this dynamic  
11 change?

12 A. Can you be more specific?

13 Q. Yeah.

14 So Mr. Reilly's trying to get up; he's  
15 being knocked back down again.

16 At some point, what do you see happen?

17 Like, how does this -- how does this come  
18 to an end?

19 A. So at some point, I specifically remember  
20 it -- looking at Steve Papia.

21 He took his right foot; stepped back, he  
22 hit the curb, went back. Pure, like, fear on  
23 his -- look on his face, tried to catch himself,  
24 and then his right foot slipped out underneath  
25 him, and he went back.

1 Q. He went back.

2 Did he fall all the way to the ground?

3 A. Yes.

4 Q. Okay. Did you see what Mr. Reilly was doing  
5 right before Officer Papia fell?

6 A. I did not see him get up, but I -- but when I  
7 looked at Steve and he fell, and then I looked  
8 back up, Brendan was up.

9 Q. Okay. He was up.

10 Can you describe exactly what you  
11 observed?

12 A. So, once again, the knife was up here, and he  
13 was, like, leaning forward.

14 Q. Okay. So you've got your hand -- your right  
15 hand raised up by your head.

16 A. Um-hum.

17 Q. Is that how he was holding the knife?

18 A. Yes.

19 Q. Okay. And what direction was the blade  
20 pointed, if you could tell?

21 A. Towards Steve.

22 Q. Towards Steve. Okay. You said he was up.

23 Does that mean that he was on his feet or  
24 his knees?

25 A. Yep.

1 Q. How --

2 A. He was standing up.

3 Q. Okay. Could you tell whether or not he was  
4 moving?

5 A. I mean, he was the -- leaning -- he was  
6 lunging forward.

7 Q. Okay. It appeared to you that he was lunging  
8 forward?

9 A. Yes.

10 Q. In the -- in the direction of Officer Papia?

11 A. Um-hum.

12 Q. I'm sorry, you say "yes" or "no."

13 A. Yes. Yep.

14 Q. Could you see how close he got to Officer  
15 Papia?

16 A. Roughly five feet.

17 Q. Okay. What did you observe at that point?

18 A. So it was like -- I mean, I've -- I've never  
19 seen someone shot before.

20 It was slow -- it was, like, slow motion.  
21 It was like he was struck, struck, and then he  
22 went down.

23 It wasn't like -- he didn't get shot  
24 right away and just fall. It was like slow  
25 motion.

1 Q. Okay. So you saw -- you saw, like, an impact  
2 to his body?

3 A. Yeah. So -- he -- he was like frozen. Boom,  
4 and then it went back.

5 Q. All right. Did you hear anything?

6 A. No.

7 Q. Like the sound of gunshots?

8 A. Nothing.

9 Q. All right. So you don't know how many  
10 gunshots were fired?

11 A. No.

12 Q. Okay. And when he fell, did you see where he  
13 fell?

14 Like, did he fall down on the his back?  
15 Onto his -- on his rib?

16 A. Yeah. Onto his back.

17 Q. What -- what did you do next?

18 A. So I immediately, once I saw Brendan hit the  
19 ground, I immediately went become to my cruiser,  
20 opened up my back -- the back door of my cruiser.  
21 The med bag was not in that.

22 So then I immediately went to the trunk,  
23 opened up the trunk, grabbed the med bag, came  
24 back to where Brendan was, and placed the med bag  
25 on the ground.

1 Q. Okay. When Mr. Reilly fell, could you tell  
2 whether -- what was going on with the knife.

3 Did he still have the knife?

4 A. He did, yes.

5 Q. All right. Once you got the med bag out of  
6 your car, could you see what had -- had -- had --  
7 what was going on with the knife at that point?

8 A. Yes. So -- so immediately when I got the med  
9 bag and put it on the ground, Joe Carruthers  
10 looked at me and said, John put on gloves.

11 So I put on the gloves. And at this  
12 point, Brendan's still on the ground with the  
13 knife in his right hand, and that's when Officer  
14 Frissore comes over and removes the knife. I  
15 don't know if he kicked it or if he grabbed it.

16 And then once that was removed I started  
17 doing compressions.

18 Q. Okay. How quickly after the knife was out of  
19 his hand did you start compressions?

20 A. So I opened up the AED, but it felt like it  
21 was -- it took five hours. So I was just like, I  
22 don't have time for this. So then, I just  
23 started doing compressions.

24 Q. So you were going to use equipment that you  
25 had in your medical bag and that --



1 A. Yeah.

2 Q. -- but it didn't -- it wasn't quite quickly  
3 enough?

4 A. But it felt like -- I didn't have time.

5 Q. Okay. Did you continue compressions until  
6 emergency medical personnel took over?

7 A. Yes.

8 Q. Okay. At any point, Officer Sullivan, did  
9 you draw any of your weapons?

10 A. I did, yes.

11 Q. Okay. Where were you when you drew a weapon,  
12 and what did you draw?

13 A. All right. So I originally -- the first time  
14 I stopped and got out of my cruiser, I had my  
15 baton out --

16 Q. Okay.

17 A. -- quickly, because I wasn't out that -- that  
18 long.

19 And then the same thing when I stopped on  
20 Burlington Street the first time.

21 I had my baton out, and then the longer it  
22 went -- the -- the way I had saw it going, I drew  
23 my firearm.

24 Q. Okay. Do you remember what was happening  
25 that made you decide to draw your firearm?

1 A. Just -- I mean, there was -- multiple,  
2 multiple commands to drop the knife; and Brendan  
3 was not dropping the knife.

4 Q. Okay. Could you hear what your fellow  
5 officers were saying to Mr. Reilly when he was on  
6 the ground, when you've gotten out of your  
7 cruiser the second time?

8 A. Yes.

9 Q. And who was talking, if you could tell?

10 A. At first I would say it was John and Steve.

11 Q. Okay. Could you hear what they were saying?

12 A. Along the lines of, Drop the knife. Drop the  
13 knife.

14 Q. All right. Did you ever hear Officer  
15 Carruthers say anything?

16 A. I did, yes.

17 Q. And what did you hear him say?

18 A. Along the same lines. I mean, we're here to  
19 help you. We want to get you out of here. And  
20 he was very calm.

21 Q. Okay. Could you hear whether Mr. Reilly was  
22 saying anything back to them?

23 A. Yeah. I mean, he was -- along the lines of,  
24 no, I'm not going to drop the knife.

25 Like, it was hard to -- I don't know

1 exactly what he was saying. It's hard to tell,  
2 but --

3 Q. Okay.

4 A. -- along those lines.

5 Q. From your -- from your position, was  
6 Mr. Reilly facing you, or facing some other  
7 direction?

8 A. He was facing the three officers --

9 Q. Okay.

10 A. -- Steve, Joe, and John.

11 Q. Would that mean that he would have his back  
12 to you, or like of an angle kind of?

13 A. No, it was at an angle.

14 Q. All right.

15 A. I was to, like, the left side of him.

16 Q. All right. So do you remember any of the  
17 things that he actually said or just the general  
18 sense of what he was communicating?

19 A. General sense of what he was saying.

20 Q. Okay. Did you make anything out about his  
21 tone?

22 A. Yeah. It was agitated.

23 Q. Okay. Okay. And, Officer Sullivan, you gave  
24 a recorded interview, correct?

25 A. Correct.

1 Q. Complete with a maps of the area?

2 A. Yes.

3 Q. Okay.

4 MS. GEMMILL: And, your Honor, at this  
5 time I would ask to mark Officer Sullivan's  
6 recorded transcript of the interview, and the  
7 map.

8 THE COURT: All right. That will be --

9 MS. GEMMILL: -- which is actually  
10 two-sided.

11 THE COURT: -- 106.

12 THE CLERK: 106 and 107.

13 THE COURT: 107.

14 THE CLERK: 107.

15 (Exhibit No. 106, Transcript of recorded  
16 interview, received into evidence.)

17 (Exhibit No. 107, Maps, received into  
18 evidence.)

19 MS. GEMMILL: Okay. Thank you.

20 And also offer Officer Sullivan's  
21 training certificates from the Lexington Police  
22 Department.

23 THE CLERK: 108.

24 (Exhibit No. 108, Training certificates  
25 from the Lexington Police Department, received

1 into evidence.)

2 BY MS. GEMMILL:

3 Q. And, sir, you also filled out a Use of Force  
4 Report on March 16th of 2022, correct?

5 A. Yes.

6 MS. GEMMILL: Okay. I'd mark that.  
7 Introduce that Use of Force Report as the next  
8 exhibit.

9 THE CLERK: 109.

10 (Exhibit No. 109, Use of Force Report,  
11 received into evidence.)

12 MS. GEMMILL: Okay. I have no further  
13 questions for you officer.

14 Thank you.

15 THE WITNESS: Okay. Thank you.

16 THE COURT: Mr. Heineman?

17 EXAMINATION

18 BY MR. HEINEMAN:

19 Q. Am I right that you can't tell us how many  
20 times Officer Papia fired the less-lethal?

21 A. Correct.

22 Q. And you can't tell us how many times Officer  
23 Frissore did?

24 A. Correct.

25 Q. Am I right, though, that you remember Officer

1 Papia firing the less-lethal while Brendan was  
2 running, the very first time you saw him before  
3 you moved your car?

4 A. No. He was --

5 Q. Do you remember in your statement speaking  
6 with the sergeant about that?

7 A. So Brendan was not running when I -- so I saw  
8 Brendan fall, and he was on the ground.

9 I got out of my cruiser and then -- then  
10 there was a shot taken.

11 He was not -- when he fell to the ground,  
12 it wasn't from the shot.

13 Q. Okay. With regards to your med bag -- were  
14 you here this morning when I played that video?

15 A. I was, yes.

16 Q. You placed that med bag down right next to  
17 the crosswalk right after Brendan was shot,  
18 right?

19 A. No.

20 Q. Do you have a memory of when -- where you put  
21 the med bag down the first time you put it down?

22 A. Like I said, I went and grabbed it from my  
23 cruiser; ran back to where everyone was.

24 I placed it to the left of me and grabbed  
25 the AED, pulled it out, and then went from there.

1 I -- I don't know exactly where I put it.

2 Q. Okay. Let me just see if I can narrow very  
3 closely.

4 The first time you put the med bag down  
5 was before Officer Frissore removed the knife  
6 from Brendan's hand, right?

7 A. Yes.

8 MR. HEINEMAN: That's all I have.

9 THE COURT: Okay. Thank you, sir.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 MR. MCDONALD: Can we take a five-minute  
13 break?

14 THE COURT: Sure.

15 MR. MCDONALD: Thank you.

16 THE COURT: A real five minutes?

17 MR. MCDONALD: Yes, thank you.

18 (3:04 p.m. court in recess.)

19 (End of audio.)

20

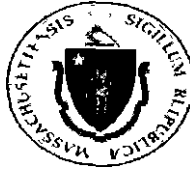
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C E R T I F I C A T E

I, LISA MARIE PHIPPS, AN APPROVED COURT TRANSCRIBER, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT FROM THE AUDIO RECORDING PROVIDED TO ME OF THE PROCEEDINGS I IN RE: INQUEST INTO THE DEATH OF BRENDAN REILLY HELD ON MARCH 16, 2023.

I, LISA MARIE PHIPPS, FURTHER CERTIFY THAT THE FOREGOING IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE OF THE TRIAL COURT DIRECTIVE ON TRANSCRIPT FORMAT.

I, LISA MARIE PHIPPS, FURTHER CERTIFY THAT I NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THE ACTION.

/s/ Lisa Marie Phipps  
NAME OF THE APPROVED COURT TRANSCRIBER  
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<p>161 25, 184.16, 185 7, 191 20, 204 24, 220 8, 221 2, 222 6, 228 13, 236 3, 237.6, 238 23, 242 14, 244.4, 245 24, 258.6, 263 6, 277 20, 290 22 <b>themselves</b> [2] - 51 7, 205 24 <b>then</b> [134] - 7 16, 7 17, 11 8, 11 12, 11 18, 11 24, 12 3, 14 10, 18 7, 20 11, 24.1, 24 4, 26 10, 27 20, 30 4, 34.12, 34 14, 36 14, 37 2, 37 4, 38 9, 49 16, 50 15, 51 19, 52 6, 52 19, 53 12, 58 21, 61 10, 63 5, 64 9, 78 10, 81 13, 84 14, 86 23, 90 19, 93 8, 97 15, 98 17, 100 21, 104 16, 105 20, 107 15, 108 9, 109 5, 113 24, 115 21, 115 22, 116 12, 117 3, 119 13, 120 15, 121 10, 124 12, 131 10, 132 14, 132 25, 133 9, 133 11, 133 12, 133 18, 133 25, 134 13, 146 7, 146 8, 146 16, 153.10, 153 14, 154 20, 155 14, 166 11, 182 24, 189 24, 190 11, 192 3, 197.14, 203 7, 205 17, 218 22, 218.25, 227 16, 227 24, 241 11, 241 21, 242 5, 243 6, 245 14, 248 22, 250.2, 251 12, 251 13, 251 14, 252 2, 256 1, 256 2, 256 6,</p>	<p>257 11, 258.17, 258 25, 259 13, 260 11, 260 17, 263 14, 269 12, 271 22, 276 22, 278 19, 278 22, 279 14, 280.5, 280 20, 281 3, 281 5, 282 7, 282 13, 284 24, 285 7, 286.21, 287 4, 287 22, 288 16, 288 22, 289 19, 289 21, 294 9, 294 25 <b>theory</b> [3] - 65 4, 65 6, 65 9 <b>there</b> [201] - 6 1, 6 11, 20 8, 26 11, 27 24, 28 23, 29 11, 29 12, 32 23, 33 10, 34 4, 34 20, 35 1, 35 12, 36 14, 37 21, 38 3, 38.20, 39 7, 39 19, 45 13, 46 9, 46 13, 46 24, 49 6, 51 9, 52 12, 56 8, 56 14, 57 15, 61 4, 62 23, 63 21, 64 18, 67 12, 67 16, 67 17, 72 20, 76 3, 78 8, 78 17, 79 5, 82 2, 82 8, 82 19, 82 20, 82 25, 85.6, 86.25, 87 2, 87 25, 89 22, 90 10, 90 15, 91 25, 92 13, 93 3, 93 12, 94 20, 96 7, 97 25, 99.19, 104 8, 106 5, 106 22, 107 15, 107 16, 107 21, 107 24, 111 11, 113 17, 114 20, 114 22, 115 1, 115 2, 116 20, 117 4, 118 23, 121 8, 121 14, 121 18, 122 5, 123 7, 123 12, 123 14, 123 16, 125 22, 126 1, 126 9, 127 9, 128 7, 129.18,</p>	<p>131.4, 133 21, 133 24, 134 10, 134 13, 134 15, 136 3, 137 4, 145 5, 150 22, 150 23, 150 25, 151:1, 151 2, 151 5, 151 8, 158 12, 158 13, 163 12, 165 10, 165 22, 166 2, 172 11, 173 17, 173 23, 176 22, 177 8, 177 18, 178 19, 178 23, 178 24, 179 23, 180 15, 183 6, 183 18, 185 22, 186 15, 196 9, 196 13, 196 15, 196 24, 196 25, 197 1, 197 2, 198 21, 206 7, 210 2, 210.7, 210.9, 210 12, 212 8, 212 14, 215 16, 218 18, 220 14, 221 18, 223 15, 231 13, 234.14, 235 22, 237 3, 237 13, 237 16, 238 12, 239 11, 239 25, 241 25, 244 13, 247 19, 249 14, 250 6, 250 8, 252 1, 253 1, 253 9, 254 17, 257 22, 258 5, 260 1, 260 14, 261 2, 263 15, 265 6, 269.23, 269 25, 270 21, 271 10, 271 22, 271 23, 272 6, 272 9, 272 10, 272 11, 273 4, 276 19, 280 10, 281 9, 290 1, 294 10, 294 25 <b>there'll</b> [1] - 165 20 <b>there's</b> [67] - 11 12, 14 1, 16 17, 16 22, 18 5, 19 14, 21 6, 21 7, 25 20, 27 17,</p>
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<p>36 23, 36 24, 37 2, 37 4, 39 14, 52 12, 52 17, 53 9, 53 12, 55 11, 58 21, 61 1, 61 10, 61 17, 67 10, 72 20, 76 10, 98 10, 98 13, 98 14, 98 16, 98 17, 106 6, 125 15, 128 4, 128 7, 137 1, 137 7, 137 13, 137 15, 138 4, 138 23, 138 24, 139 9, 140 25, 141 1, 141 25, 150 13, 164 13, 165 18, 165 23, 168 11, 186 13, 187 16, 188 24, 202 12, 206 6, 238 6, 238.25, 242 24, 273 8, 279 15</p> <p><b>these</b> [28] - 21 11, 21 16, 23 5, 29 20, 30 24, 35 22, 53 24, 55 2, 56 10, 61 19, 67 16, 75 4, 76 9, 109 14, 111 12, 140 17, 141 6, 161 22, 166 7, 224-22, 231-21, 236 15, 251 17, 257 16, 261 8, 261.13, 265 18</p> <p><b>they</b> [103] - 10 11, 10 14, 16 10, 16 11, 16 12, 25 25, 26 4, 27 2, 28 6, 34 7, 34 10, 34 11, 34 12, 37 18, 38 11, 40 19, 40-22, 40.23, 47 18, 49 15, 49 22, 49 23, 49.25, 50 1, 50.5, 50 7, 50 13, 51 2, 51 9, 52 1, 52 22, 66 1, 67 23, 68 10, 69 1, 69.20, 69-21, 74 1, 74 6, 76 1, 82 13, 89 9, 91 5, 92 10, 92 12,</p>	<p>93 14, 93 15, 94 20, 94 24, 95 1, 95 2, 95 3, 123 21, 126.15, 132 3, 134 14, 141 13, 146 25, 161 7, 175 10, 177 17, 178 11, 179 22, 182 2, 183 8, 184 15, 218 10, 220 14, 221 9, 221 19, 222 9, 228 12, 240 1, 244 9, 245 22, 245 23, 251 5, 251 21, 252 4, 252 13, 255 7, 263 5, 263 14, 275 7, 277 5, 278 20, 284 2, 284 3, 290 11</p> <p><b>they'd</b> [1] - 185 18</p> <p><b>they're</b> [13] - 50 24, 50 25, 51 7, 51 25, 55 4, 62 15, 68 10, 74 3, 112.11, 222 8, 249 4</p> <p><b>they've</b> [4] - 89.13, 245 23</p> <p><b>thigh</b> [5] - 112 6, 112-16, 112 19, 113 2, 123 25</p> <p><b>thing</b> [17] - 24 23, 49 10, 71 9, 147 9, 168 14, 172 1, 193 16, 195 22, 200 23, 214 15, 214 24, 219.6, 253 18, 258 23, 263 18, 264 1, 289 19</p> <p><b>things</b> [36] - 7 22, 28 23, 29 11, 29 12, 30 24, 35 14, 47 9, 48 17, 75 24, 79-2, 89 24, 127 19, 127 23, 134 17, 147 3, 161 21, 161 22, 166 4, 166 7, 174 15, 184 18, 192 19, 193 16, 204 3, 204 6, 204 9, 213 18, 233 16, 233 17,</p>	<p>246 6, 246 8, 246 11, 254 13, 291 17</p> <p><b>think</b> [68] - 6 18, 7 16, 7 25, 12 15, 27 2, 30 23, 31 5, 34-24, 40 18, 43 23, 44 19, 47 18, 63 12, 66 15, 68 4, 74 7, 83 15, 83 24, 85 24, 106 24, 107 8, 116 5, 116 20, 121 8, 122 12, 128 11, 131 5, 137 3, 143 9, 143 24, 145 18, 145 20, 145 21, 145 22, 146 18, 149 14, 153 22, 154 24, 155 18, 162 1, 165 3, 165 4, 166 15, 169 19, 170 11, 170 14, 178 12, 184 9, 188 12, 199 4, 211 14, 212 5, 221 1, 221 4, 221 13, 228 17, 230-12, 241 23, 244 23, 245 18, 250 7, 251 10, 258 2, 258 24, 260 17, 263 11, 272 4</p> <p><b>thinking</b> [15] - 28 1, 34 16, 46 17, 46 18, 47 7, 50 13, 52 13, 52 14, 90 8, 104 2, 217 4, 221 5, 221 7, 239 17, 250 21</p> <p><b>thinks</b> [1] - 155 10</p> <p><b>third</b> [3] - 95.25, 111 11, 116-2</p> <p><b>thirty</b> [1] - 134 7</p> <p><b>THIS</b> [1] - 297-8</p> <p><b>this</b> [192] - 7 21, 11 2, 11.4, 13 7, 13 23, 14 8, 14 18, 14 19, 15 7, 15 9, 15 12, 16 1, 17 2, 17.5, 17 7, 20 2, 20 18, 21 20, 21 22, 22 5, 23 2, 23 3, 23 4,</p>
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<p>23 5, 23 12, 23 22,                  24 4, 24 6, 24 12,                  24-13, 27 10, 29 5,                  34 17, 35 2, 35 24,                  38 9, 41 14, 44 14,                  44 17, 53 17,                  53 19, 56 21,                  57 18, 60 11,                  60 25, 62 6, 62 7,                  63 10, 65 5, 70 9,                  71 22, 75 1, 76.2,                  76 24, 87 6, 88 20,                  91 8, 91 14, 91 19,                  92.7, 92 12, 92 13,                  95 19, 96 19,                  97 16, 100 9,                  101 16, 102 15,                  103 2, 104 8,                  104 12, 104 13,                  109 9, 111 15,                  112 9, 113 12,                  113 13, 114 17,                  115 8, 115 11,                  119 1, 121 9,                  126 3, 126 19,                  126 20, 126 22,                  130 16, 133 15,                  134 18, 135 19,                  136 9, 136 14,                  137 3, 137 14,                  138 2, 138 13,                  139 8, 140 3,                  140 21, 141 16,                  143.2, 146 2,                  146 14, 149 2,                  150 3, 153 16,                  153 25, 154 3,                  158 5, 158 17,                  158 20, 159 8,                  159 13, 160 4,                  165 11, 165 18,                  167 3, 167 25,                  168 4, 172 4,                  172 7, 173.21,                  192 25, 193 3,                  193 24, 199 24,                  201 13, 201 22,                  204 5, 204 14,                  206.11, 209 5,                  212 25, 214 14,                  219 7, 222 19,                  224 12, 227 8,                  229 16, 230 14,                  231 8, 231 10,                  231 12, 238 16,</p>	<p>238 18, 239 15,                  239 18, 239 20,                  240 9, 240 10,                  240 17, 242 11,                  245 22, 246 1,                  247 7, 248 10,                  252 22, 253 1,                  256 6, 256 21,                  257 8, 257 20,                  259 4, 259 5,                  261 14, 262 12,                  265.5, 265 10,                  270 4, 273 18,                  275 3, 278 10,                  280 11, 281.5,                  281.13, 284 10,                  284 17, 288 11,                  288 22, 292 4,                  294 14, 296 7  <b>This [1] - 130 25</b>  <b>this.. [1] - 72 13</b>  <b>those [62] - 10 6,</b>                  14 11, 14 25, 20 4,                  21 1, 25 19, 25 24,                  26 22, 33 6, 33 15,                  34 12, 34 14, 35 4,                  37 17, 45 10,                  46 20, 47.12,                  49 12, 49 13,                  60 16, 63 9, 64 11,                  66 11, 66 17,                  66 19, 66.23, 67 8,                  67 9, 67 21, 70 10,                  75 1, 87 12, 118 3,                  124-21, 125 1,                  140 1, 140 11,                  140 14, 156 2,                  164 6, 204 5,                  218 17, 218 19,                  228 16, 231 22,                  231 25, 232 15,                  233 16, 246 11,                  250 18, 251 4,                  251 20, 252 7,                  252 11, 261 6,                  261 11, 261 20,                  265 22, 281 1,                  291 4  <b>though [8] - 65 12,</b>                  69 3, 104.2, 111 4,                  130 20, 174 2,                  241 15, 293 25  <b>thought [20] - 52 8,</b>                  64 3, 64 10, 116 8,                  119 10, 130.21,</p>	<p>131 7, 148 20,                  150 3, 150 9,                  150 23, 189 12,                  213 13, 214 7,                  219-17, 220 12,                  227 19, 228 8,                  254 3, 263 17  <b>thoughts [2] - 52 6,</b>                  52 18  <b>threat [1] - 158-5</b>  <b>three [25] - 21 9, 25 3,</b>                  35 2, 72 3, 78 7,                  81 11, 87 24,                  106 2, 115 12,                  121 3, 131 23,                  131 25, 150 24,                  151 6, 179 23,                  180 15, 181 2,                  218 5, 218 6,                  236 20, 236 21,                  237 24, 252 11,                  291 8  <b>three-level [1] - 81 11</b>  <b>three-tenths [2] -</b>                  236 20, 236 21  <b>threshold [1] - 245 6</b>  <b>throw [5] - 165.5,</b>                  165 9, 165 10,                  219 22, 219 23  <b>through [50] - 8 25,</b>                  11 8, 11 13, 11 17,                  11 21, 11 24,                  13 21, 14 10, 20 3,                  20 7, 21 10, 25 17,                  29 19, 30 4, 34 5,                  34 7, 34 10, 38 9,                  40 17, 41 9, 55 9,                  71 8, 71 20, 75 24,                  81 10, 91 14,                  112 8, 114 6,                  136 9, 140 15,                  154-8, 154.11,                  161 21, 162 9,                  166 4, 174 24,                  195 13, 196 6,                  222 1, 229-7,                  231 7, 233 7,                  236 1, 267 17,                  267 20, 273 14,                  276 3, 276 17,                  276 22, 277 22  <b>throughout [4] -</b>                  174 22, 252 22,                  253 1, 257 16  <b>throw [1] - 255 16</b></p>
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<p> <b>thrown</b> [2] - 165-1,                      167 2  <b>thumb</b> [5] - 103 6,                      204 13, 204-17,                      204 20, 246 22  <b>thus</b> [1] - 149 11  <b>tilt</b> [2] - 209 12,                      209 13  <b>time</b> [108] - 25 13,                      26 8, 43 25, 47 10,                      59 12, 76 15, 78 8,                      88 15, 92 21,                      92 25, 93-7, 96 3,                      99 24, 103 2,                      104 7, 107 14,                      107 17, 110-21,                      110 22, 111 10,                      111 25, 116 15,                      120 11, 127 12,                      127 23, 130 18,                      131 16, 131 21,                      133 6, 135 13,                      140 2, 144 4,                      148 1, 148 2,                      148 3, 148 7,                      155 19, 159 2,                      159 5, 159 6,                      164 25, 172 18,                      172 19, 174.22,                      178 22, 182-25,                      184 7, 185 3,                      189 11, 191.18,                      197 13, 200-18,                      201 3, 202 6,                      202 24, 203-13,                      208 4, 212 9,                      212 10, 213.17,                      215 3, 217 13,                      226 25, 227 2,                      227 13, 227.19,                      227 21, 231-22,                      234 19, 236 8,                      236 10, 237.2,                      237 3, 238 16,                      239 14, 242 12,                      246 1, 253 1,                      255 10, 255.12,                      257 14, 257 18,                      262 4, 264 11,                      264 13, 265 20,                      267 16, 268 4,                      272 11, 279 19,                      281 6, 281 9,                      281 18, 288 22,                      289 4, 289 13,                 </p>	<p>                     289 20, 290 7,                      292 5, 294 2,                      294 21, 295 4,                      296 16, 296 17,                      296 20  <b>times</b> [9] - 34 23,                      35 3, 88 11, 147 5,                      207 7, 268 20,                      270 18, 293 20,                      293 22  <b>tired</b> [2] - 49.20,                      108 13  <b>tissues</b> [11] - 11 10,                      14 9, 14 10, 14 12,                      20 4, 20 8, 20 11,                      24 8, 24 10, 25 4  <b>titled</b> [1] - 91 20  <b>to</b> [1071] - 5 2, 5 12,                      5 22, 6 3, 6 12,                      6 14, 6 22, 7 1,                      7 20, 7 22, 7 23,                      8 25, 9 1, 9 4,                      10 25, 12 12, 13 9,                      13 10, 13 12, 14 2,                      14 13, 14 15,                      14 25, 15 5, 15 8,                      15 9, 15 15, 15 17,                      16 4, 16 8, 16 12,                      17.1, 17 7, 17 9,                      17 22, 18 1, 18 5,                      18 8, 18 12, 18 24,                      18 25, 19 8, 19 10,                      19-12, 19 14,                      19 18, 19 21, 20 7,                      20 13, 20 17,                      20 19, 21 1, 21 2,                      21.4, 21 9, 21 20,                      21 21, 21 23,                      21-25, 22 4, 22 5,                      22.22, 23 12, 24 1,                      24 17, 24 19, 25 8,                      26 24, 27 6, 27 12,                      27.18, 28 8, 28 10,                      28 13, 28 15, 29 5,                      29 6, 29 12, 29 15,                      29 24, 30 4, 30 6,                      30 24, 31 14, 33 2,                      33 4, 33 7, 34 11,                      34 13, 34 20, 35 2,                      35 6, 35.8, 35 9,                      35 12, 35 21,                      35 24, 36 15,                      37 11, 37 12,                      37 16, 38 9, 38 10,                      38 11, 39 22,                 </p>	<p>                     39 23, 40 6, 40 17,                      41 13, 42-3, 42 8,                      43 9, 43 25, 44 5,                      44 6, 44 10, 45 16,                      46 6, 46 12, 49 2,                      49 5, 49 9, 49 11,                      49 14, 50 11,                      50 12, 50 16,                      50 22, 51 7, 51 8,                      51 9, 51 11, 51 12,                      51 15, 51 17,                      51 18, 51 23,                      52 13, 52 15,                      52 24, 53 6, 53 8,                      53 21, 54 6, 54 8,                      55 7, 55 18, 55 22,                      56 11, 56 17, 57 3,                      57 4, 57 10, 57 13,                      57 14, 57 16,                      57 22, 57 23, 58 2,                      59 4, 59 5, 59 6,                      59 9, 59 12, 59 13,                      59 23, 59 25,                      60 14, 60 15,                      60 24, 61 6, 61 12,                      62 14, 62 22,                      63 11, 64 3, 64 4,                      64 5, 64 10, 64 17,                      64 19, 65 4, 65 24,                      66 2, 66 5, 66 11,                      67 7, 67.18, 67 25,                      68 2, 68-3, 68 5,                      68 7, 68 14, 68 22,                      68 24, 68 25, 69 3,                      69 5, 69-8, 69 17,                      70 2, 70.3, 70 6,                      70 11, 70 12,                      70 17, 70 19, 71 9,                      71 19, 72 19, 73 9,                      73 10, 73 24, 74 2,                      75 9, 75 24, 76 3,                      76 7, 76 10, 76 15,                      76 16, 76 17,                      76 22, 76 25, 77 3,                      77 16, 78 10,                      78 15, 78 17,                      78 19, 79 8, 79 14,                      79 15, 79 16,                      79 17, 79 22,                      80 23, 81 6, 81 9,                      81 13, 81 16,                      81 17, 81 23,                      82 11, 83 7, 83 8,                      83 14, 83.15,                      83 25, 84 8, 84 17,                 </p>
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<p>84 18, 84 20, 85 3,              85 5, 85 8, 85 11,              85 12, 85 15, 86 4,              86 18, 87 1, 87 10,              87 16, 87 21, 88 3,              88 5, 88 11, 88 16,              89 9, 89 13, 89 20,              89 21, 89 24,              89 25, 90 1, 90 4,              90 9, 90 12, 90 14,              90 16, 90 21, 91 4,              91 9, 92 16, 93 8,              93 14, 93 18,              93 19, 93 20, 94 5,              94 12, 94 17,              96 11, 96 21,              96 24, 97 6, 97 7,              97 11, 97 20,              97 24, 97 25, 98 1,              98 3, 98 19, 98 20,              98 22, 98 25, 99 4,              99 5, 99 12, 99 18,              99 21, 99 25,              100 7, 100 18,              100 20, 100 25,              101 1, 101 2,              101 8, 102 6,              102 7, 102 9,              103 22, 104 3,              104 4, 104 5,              104 18, 105 10,              105 13, 106 2,              106 24, 107 5,              107 6, 107 7,              107 11, 107 25,              108 24, 108 25,              109.1, 109 6,              109 7, 109 8,              109 9, 109 10,              109 13, 109 18,              110 3, 110.4,              110 9, 110 22,              110 25, 111 6,              111 7, 111 16,              112 10, 112 12,              112 18, 112 19,              112 20, 112 25,              113 3, 113 19,              113 21, 113 22,              113 25, 114 1,              114 14, 114 18,              115 14, 115 18,              115 19, 115 21,              116 3, 116 6,              116 8, 116 11,</p>	<p>116 22, 117 5,              117 7, 117 10,              118 7, 118.10,              118 16, 118 20,              119 2, 119 15,              119 18, 119 23,              120 2, 120 14,              120 15, 120 16,              120 19, 121 1,              121 3, 121.4,              121 8, 121 9,              122 12, 122 13,              122 16, 122 21,              123 10, 123 11,              123 12, 123 24,              124 2, 124.7,              124 8, 124 12,              124 13, 124 15,              125 23, 125 24,              126 2, 126 5,              126 12, 126 18,              126 19, 127 8,              127 19, 127 20,              127 23, 128 3,              128 12, 128 22,              129 2, 129 5,              129 7, 129 13,              129 15, 129 16,              129 21, 129 24,              129 25, 130 3,              130.11, 130 18,              130 19, 130 22,              130 24, 131 2,              131 4, 131 7,              131 11, 131 16,              131 18, 132 4,              132.6, 132 13,              132 14, 132 23,              133 2, 133 3,              133 17, 133 18,              135 2, 135 10,              135 19, 136 11,              136 14, 137 20,              138 2, 138 10,              138 24, 139 1,              140 11, 141 20,              142 17, 142 20,              143 5, 144 4,              144 16, 145 5,              145 11, 145 16,              146 2, 146 5,              146 12, 146 16,              146 23, 147 3,              147 9, 147 12,              147 13, 147 14,</p>	<p>147 17, 147 22,              148 1, 148 3,              148 8, 148.11,              148 19, 149 11,              149 14, 149 22,              150 1, 150 4,              150 7, 150 21,              151.25, 152 9,              152 16, 153 2,              153 4, 153.7,              153 8, 154.4,              155 3, 155 5,              155 7, 155 16,              156 5, 156 9,              156 12, 156 18,              157 10, 157 11,              157 14, 157 15,              157 16, 157 18,              157 20, 158 4,              158.5, 158 9,              158 10, 158 19,              158 20, 158 25,              159 15, 159 16,              159 25, 160 14,              160 16, 160 20,              161 7, 161 10,              161 11, 161 16,              161 20, 162.3,              162 13, 162 18,              162 23, 163 4,              163 6, 163 9,              163 10, 163 20,              163 23, 164 7,              164 23, 165 20,              165 22, 165 24,              166 1, 166 6,              166 8, 166 12,              166 19, 166 20,              166 24, 167 8,              167 19, 167 20,              167 24, 168 3,              168 13, 168 14,              168 19, 168 20,              168 21, 169 12,              170 15, 170 21,              171 6, 172 1,              172 8, 172 10,              172 16, 172 19,              172 25, 173 3,              174 3, 174 6,              174 8, 174 18,              174 23, 175 1,              175 5, 175 19,              175 20, 176 2,              176 7, 176 8,</p>
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<p>176 12, 176 16, 176 23, 177 2, 177 4, 177 6, 177 12, 177.21, 177 23, 177 24, 178 6, 178 14, 178 15, 179 8, 179 9, 179 13, 179 25, 180 1, 180 10, 180 15, 180 16, 180 20, 180 21, 180 22, 180.23, 181 3, 181 4, 181 9, 181 24, 181 25, 182 1, 182 8, 182 18, 183 13, 183 22, 184 8, 184 10, 184 11, 185 17, 185 21, 186 3, 186 4, 186 8, 186 10, 186 11, 186 14, 186 20, 187 2, 187 6, 187-13, 187 17, 188 10, 189 7, 189 11, 189 16, 189 19, 189 23, 189 24, 190 21, 190 23, 190 25, 191 1, 191 2, 191 3, 191 4, 191 7, 191 8, 192 8, 192 19, 192 22, 193 8, 193 11, 193 12, 194 3, 194 7, 194 15, 194 19, 195 10, 195 15, 195 16, 195 17, 195 21, 195 25, 196 1, 196 18, 196 19, 197 10, 197 12, 198 8, 198 12, 198 19, 200-8, 200 12, 200 14, 200 19, 201 11, 201 12, 201 19, 202 2, 202 4, 202 12, 202 25, 203 5, 203 20, 203 21, 205 1, 205 12, 205 16, 205 24, 206 15,</p>	<p>206 24, 207 1, 207 4, 207 5, 207 8, 207 9, 208 2, 208 19, 208 20, 209 6, 209 8, 209 19, 209 20, 210 14, 211 1, 211 12, 211 13, 211 16, 211 18, 211 24, 212 4, 212 8, 212 13, 212 16, 212 17, 212 18, 212 20, 212.22, 212 24, 213 3, 213 5, 213 19, 213 20, 213 21, 213 22, 213 24, 214 7, 214 9, 214 22, 214 25, 215 2, 215 12, 215 13, 215 20, 216 23, 217 16, 217.25, 218 19, 218-20, 218 23, 218 24, 219 9, 219 16, 219 22, 220 1, 221 2, 221 8, 221.10, 221 17, 221 19, 221 22, 222.3, 222 5, 222 23, 222 24, 223 1, 224 11, 224 12, 224 25, 225 1, 225.4, 225 23, 226 4, 226 7, 227 8, 227 9, 228 6, 228 9, 228 15, 229 25, 231 12, 231 19, 231 20, 231 22, 232 2, 232 16, 233 8, 233 9, 234 4, 234 7, 234 16, 234 22, 235 4, 235 14, 235 23, 236-1, 236 4, 236 7, 236 21, 237 2, 237 5, 237.6, 237-12, 237 14, 237 22, 237 23, 238 2, 238 5, 238 18, 239 1,</p>	<p>239 9, 239 10, 240 20, 240 21, 240 22, 240 23, 240 24, 241 24, 242 1, 242 18, 242 20, 243 7, 243 10, 243 17, 244 3, 244 4, 244 5, 244 13, 244 24, 245 19, 246 3, 246 4, 246 5, 247 2, 247 17, 247 20, 248 24, 249 8, 251 8, 251 13, 251 19, 251 25, 252-5, 252 8, 252 10, 252 14, 252 15, 252 16, 253 3, 253 10, 253 14, 253 17, 253 18, 253 21, 253.23, 254 13, 254 22, 254 25, 255 1, 255 14, 256 9, 256 11, 256 19, 257 12, 257.19, 257 25, 258 3, 258 6, 258 8, 258 9, 259 4, 259 12, 259 17, 260 1, 260 6, 260 15, 260 22, 260 24, 261 3, 261 18, 263 15, 263 18, 263 25, 265 5, 265 13, 265 16, 265 17, 265 20, 265 22, 266 2, 266 22, 267 4, 267 8, 267 9, 267 14, 267 21, 268 14, 268 21, 268 23, 269 1, 269 6, 269 11, 269 17, 270.1, 270 3, 270 13, 270 17, 270 19, 270 20, 270 23, 270.24, 271 10, 271 13, 271 14, 271 23, 272 14, 272 17, 272 18, 272 22, 272 25,</p>
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<p>273 5, 273 17, 273 21, 274 1, 274 9, 274 10, 274 11, 274 14, 275 1, 275 11, 275 16, 276 2, 277 17, 278 3, 279 7, 279 14, 279 18, 280 15, 280.20, 281 10, 282 12, 282 15, 284 14, 284 18, 284 23, 285 2, 286 7, 286 14, 287 2, 287 19, 287 22, 287 24, 288 24, 289 25, 290 2, 290 5, 290 18, 290 19, 290 22, 290 24, 290 25, 291 1, 291 12, 291 15, 292 5, 294 11, 294 13, 294 16, 294 23, 294 24 <b>TO</b> [3] - 297 3, 297 8, 297 8 <b>today</b> [16] - 5 12, 5 23, 8 10, 31 22, 37 13, 42 12, 53 21, 75 13, 144 7, 144 10, 148 12, 171 17, 226 7, 230 23, 232 3, 264 24 <b>TODAY'S</b> [1] - 296 10 <b>together</b> [3] - 52.16, 113 13, 225 23 <b>told</b> [14] - 85 2, 97 23, 148 12, 148 15, 149 15, 150 8, 173-10, 186 15, 221 2, 226 14, 236 3, 258 3, 258 6 <b>tolerance</b> [1] - 59 9 <b>tone</b> [15] - 100 2, 100 4, 144 5, 144 24, 144 25, 145 8, 147 2, 147 6, 147.7, 213 8, 229 15, 253 25, 254 3, 291 21 <b>tones</b> [1] - 253 24 <b>too</b> [26] - 10.2, 27 6,</p>	<p>54 23, 63 2, 63 3, 63 22, 111 10, 117 11, 136 21, 159 1, 159 4, 159 9, 159 14, 159 22, 161 22, 202 9, 207 3, 207 7, 207 14, 210 23, 211 15, 219 8, 219 23, 220 10, 223 23, 239 2 <b>took</b> [28] - 104 17, 104 19, 107 1, 107 3, 107 25, 111 25, 114 3, 116 15, 119 14, 124 4, 124 21, 124 24, 125 3, 125 17, 133 24, 134 9, 181 12, 184 10, 190 25, 191 2, 194 25, 208 1, 238 11, 275 13, 275 14, 284 21, 288 21, 289 6 <b>tools</b> [6] - 18 11, 18 12, 184 25, 185 6, 185 9, 274 10 <b>top</b> [16] - 10 24, 11 3, 18 8, 21 19, 22 1, 22 22, 23.1, 112 20, 129 5, 130 13, 131 24, 138 24, 170 21, 204 13, 211 21, 237 1 <b>topic</b> [1] - 79 6 <b>topics</b> [5] - 77 21, 77 23, 78 21, 233 15, 267 23 <b>topped</b> [1] - 125 5 <b>tops</b> [1] - 251 19 <b>torso</b> [2] - 26 25, 123 24 <b>total</b> [2] - 148 1, 171 6 <b>touch</b> [3] - 17 15, 66 2, 182 13 <b>tough</b> [1] - 228 9 <b>tow</b> [1] - 240 6 <b>toward</b> [1] - 151 23 <b>towards</b> [42] - 23 2, 37 5, 86 15, 93 6,</p>	<p>93 25, 108 1, 114 1, 114 10, 115 16, 121 18, 127 4, 129 7, 129 8, 139 6, 139 18, 152 23, 158 20, 158 21, 160 7, 186 7, 196 3, 196 4, 196 5, 198 17, 201 2, 203 6, 237 20, 247 24, 256 2, 258 8, 258 11, 259 8, 259 12, 264 10, 275 19, 276 25, 279 16, 280.6, 280 11, 283 7, 285 21, 285 22 <b>town</b> [5] - 177 1, 177 3, 268 13, 268 23, 268 25 <b>tox</b> [1] - 6 7 <b>toxicology</b> [11] - 6 2, 10 3, 35 17, 37 18, 37 22, 38 3, 38 21, 53 9, 53 12, 62-2, 68 2 <b>toxins</b> [1] - 33 5 <b>track</b> [1] - 30 7 <b>trade</b> [1] - 61 22 <b>traffic</b> [11] - 78 1, 97 4, 127-8, 236 23, 237 2, 242 16, 244 6, 244 13, 244 17, 280 10, 280 18 <b>trailing</b> [1] - 277 4 <b>trained</b> [8] - 18 24, 77 21, 81 16, 111 19, 111 20, 175 15, 185 14, 274 25 <b>training</b> [46] - 4 7, 41 9, 43 8, 48 22, 62 12, 77 25, 78 17, 78 18, 78 19, 78 22, 78 23, 78 24, 79 20, 79 21, 79 23, 80.24, 81 8, 81 10, 112 9, 140 8, 140 23, 141 11, 151 22, 152 15, 152 18,</p>
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<p>272 13, 273 14, 273 18, 274 6, 274 18, 276 5, 277 19, 277 20, 278 8, 278 20, 279 10, 279 14, 279 19, 279-24, 279 25, 280 10, 280 22, 281 1, 281 2, 281 9, 281 11, 281 13, 282 2, 282 5, 282 6, 282 7, 282 14, 282 15, 282 16, 282 19, 282 23, 283 1, 283 3, 283 4, 283 7, 284 5, 285 4, 285 8, 285 9, 285 12, 285 13, 285 17, 285 19, 285 22, 285 23, 286 2, 286 3, 286 5, 286 7, 286:16, 286.20, 286 21, 286 24, 287.3, 287 21, 287 24, 288 2, 288 7, 288 16, 288 18, 288 21, 289 24, 290-1, 290 3, 290 5, 290 9, 290 10, 290 20, 290 21, 290 23, 290 25, 291 1, 291 5, 291 8, 291 13, 291-15, 291 18, 291 19, 291 22, 294 1, 294 4, 294 7, 294 8, 294 10, 294 11, 294.15, 294 17, 294 23, 295 5 <b>WAS</b> [1] - 297 9 <b>wasn't</b> [28] - 18 24, 29 7, 90 20, 90 21, 106 1, 109 10, 124 7, 124.15, 131 20, 142 20, 149.18, 178 13, 183 16, 191 5, 195 16, 207 8, 215 6, 224 15,</p>	<p>224 17, 224 25, 244 6, 256 11, 257 3, 286 23, 289 2, 289 17, 294 12 <b>watch</b> [2] - 155 1, 162 7 <b>watching</b> [4] - 114 24, 206 8, 236 23, 276 19 <b>Watertown</b> [1] - 32 17 <b>wave</b> [1] - 17 24 <b>way</b> [34] - 34 10, 37 16, 38 3, 38 6, 66 6, 67 15, 109 4, 109 22, 109 23, 109 25, 112 21, 115 2, 122 13, 150 13, 151 22, 158.20, 160 6, 164 13, 196 8, 205 23, 213 20, 215 7, 239 4, 247 7, 256 22, 258 13, 263 14, 272 20, 273 13, 278 3, 278 23, 280 11, 285 2, 289 22 <b>ways</b> [3] - 21 7, 46 23, 59 20 <b>We</b> [1] - 198 12 <b>we</b> [176] - 5-11, 5.15, 5 17, 5 25, 6 14, 6 15, 7 21, 9 6, 9 24, 12 15, 14 1, 18 3, 18 7, 18 14, 19 9, 20 16, 20 22, 20 23, 20 24, 22 10, 26 8, 28 12, 28 13, 28 15, 29 9, 29 20, 29 21, 32 5, 33 18, 38 6, 38 8, 38 9, 38-18, 42 18, 46 24, 48 1, 49 5, 49 10, 49 11, 49 14, 51 9, 52 19, 66 6, 70.16, 71 11, 71 21, 73 9, 75 23, 79 13, 79 14, 84 2, 92 20, 92 21, 92 22, 92 25, 93 2, 93 3, 93-8, 94 20, 96 22, 99 15, 102 4, 103 20,</p>	<p>105 21, 105 23, 105 24, 107 21, 108 5, 114 17, 114 21, 118 20, 120 13, 121 8, 126 19, 128 11, 132 25, 139 2, 139 15, 145 16, 145 25, 155 3, 155 16, 161 14, 163 12, 163 13, 163 21, 163 22, 166.4, 166 5, 167 3, 171 25, 173 20, 174 11, 174 17, 175 10, 175 12, 175 13, 175 24, 176 14, 176 15, 180 4, 180 10, 180 12, 180 16, 181 3, 181 16, 181 17, 181 20, 182 9, 183 5, 183 10, 185 2, 185 12, 196 20, 197 14, 198 16, 200 23, 204 24, 205-23, 208 5, 211 16, 211 24, 212 20, 212 21, 213 18, 213 20, 219 14, 219 15, 221 6, 221 11, 228 25, 229 6, 229 14, 229 19, 230 12, 230 13, 233 10, 236 12, 246 3, 246 4, 247 20, 248 8, 248 23, 252 14, 253 12, 254 5, 254 19, 254 20, 254 21, 256 18, 260 17, 261 7, 267 21, 272 21, 290 19, 295 12 <b>we'd</b> [4] - 90 14, 99 5, 126:4, 197 13 <b>We'll</b> [1] - 213 16 <b>we'll</b> [19] - 7 16, 84 17, 103 21, 103.22, 110 9, 121-15, 122 20, 122 21, 122 23,</p>
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<p>154 4, 162 7, 213 15, 230.14, 253 13 <b>we're</b> [13] - 5 22, 30 18, 39 10, 44 19, 53 6, 73 19, 109 6, 113 13, 128 14, 154 17, 189 15, 228 17, 290 18 <b>we've</b> [3] - 29 18, 248 16, 249 16 <b>weapon</b> [23] - 18 18, 28 16, 81 17, 81 19, 97 16, 120 4, 127 6, 127 11, 158 17, 159 13, 193 2, 201 21, 242 22, 242 23, 243 1, 250 4, 250 10, 252 14, 263 16, 264 11, 274 17, 274 20, 289 11 <b>weapons</b> [15] - 80 13, 101 22, 116 1, 142 15, 143 7, 175 9, 199 20, 233 21, 242 11, 268 3, 274 11, 275 4, 277 6, 281 21, 289 9 <b>wearing</b> [10] - 104 22, 104 23, 108 11, 115 9, 142 22, 184 14, 185 3, 240 11, 269 14 <b>weather</b> [3] - 115 3, 196 10, 244 18 <b>wedge</b> [3] - 242 2, 242 7, 244 24 <b>week</b> [1] - 35 3 <b>weekend</b> [1] - 91.2 <b>well</b> [45] - 8 20, 11 19, 12 21, 27 3, 28.5, 34 8, 40 1, 50 6, 59 21, 61 1, 62 4, 64.5, 64 16, 64 20, 69 19, 70 16, 80 13, 85 4, 87 3, 98.22, 103 17, 127 17, 148.24, 155 1, 159 20, 162 20, 165 2, 172 18,</p>	<p>173 2, 179 21, 182 1, 194 24, 197 6, 199 13, 203 25, 206 16, 206 18, 213 20, 218 12, 222 9, 233 22, 248 5, 248 20 <b>Wellbutrin</b> [12] - 57 6, 57 14, 61 3, 61 6, 61 12, 61 21, 62 19, 62 21, 63 8, 63 22, 64.16, 65 10 <b>welt</b> [1] - 228 2 <b>went</b> [51] - 10 18, 78 10, 90 16, 94 1, 97 25, 105 24, 124 7, 125 4, 129 4, 129 24, 129 25, 130 7, 130 12, 133 18, 147 3, 149 11, 150 22, 153 22, 160 24, 166 4, 167.20, 169 13, 178 19, 179 13, 210 21, 211 7, 211 8, 211 10, 214 25, 215 10, 218 23, 218 24, 219 9, 221 18, 233 6, 248 22, 254 21, 260 11, 260 18, 260 24, 284 22, 284.25, 285 1, 286 22, 287.4, 287 19, 287 22, 289 22, 294 22, 294 25 <b>were</b> [197] - 10 14, 21 13, 25 17, 25 21, 29.21, 37 18, 39 18, 49 23, 67 8, 68 1, 77 21, 78 4, 78 6, 78 9, 81 25, 82 2, 82 13, 83 1, 83 18, 85 2, 85 15, 86 2, 86 5, 87 16, 87.24, 88 2, 88 19, 89 19, 92 15, 93 1, 93 3, 94 20, 95 3, 97 11, 101.12, 102 18, 102 19, 103 17, 104 8, 105 24,</p>	<p>107.21, 108 13, 111 21, 114.18, 114 21, 116 16, 116 20, 117 14, 119 6, 119 15, 120 13, 121 3, 121 8, 123 14, 126 10, 126 15, 128 21, 129 3, 131 7, 132 3, 134 14, 134 19, 136 3, 136.18, 140.2, 141 16, 141 20, 142.12, 142 22, 144 24, 145 2, 147 1, 147 7, 149 4, 149 12, 150 24, 157 2, 157.18, 157 23, 158 1, 159 19, 172 11, 173 20, 175 21, 176 22, 177 17, 178 3, 178 24, 178 25, 179 5, 181 20, 181 24, 182 2, 183 5, 183 14, 184 7, 185 2, 185 13, 186 6, 188 3, 196 13, 196 14, 196 23, 197 4, 202 18, 209 23, 210 3, 210 7, 210 10, 212 15, 212 20, 215 3, 216 9, 218 8, 218 10, 219 5, 220 14, 220 25, 221 22, 223 5, 224 5, 224 10, 225 9, 225 22, 228 6, 232.10, 232 15, 232 20, 233 6, 234 4, 234 5, 234 14, 235 2, 235.23, 235 25, 236 14, 239 10, 240 1, 241 25, 243 23, 244 9, 245 2, 245 13, 245 21, 249.22, 250 16, 251 21, 252.1, 252 5, 252 11,</p>
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<p>252-13, 252 23,                  254 2, 254 19,                  255 7, 256 15,                  256 17, 262 3,                  265 7, 265 10,                  266 9, 267 16,                  268 9, 268 16,                  268 25, 270 3,                  270 12, 271 2,                  271 9, 271 17,                  271 20, 272.11,                  275 7, 277 20,                  278 5, 278 6,                  278 20, 281 21,                  283 20, 283-25,                  284 2, 284 3,                  287 10, 288 24,                  289 11, 290 5,                  290 11, 294 13  <b>weren't</b> [3] - 118 20,                  250 7, 282 11  <b>west</b> [1] - 247 6  <b>westerly</b> [1] - 237 20  <b>Weymouth</b> [2] -                  174 11, 174 12  <b>whack</b> [2] - 206 20,                  206 21  <b>what</b> [322] - 5 22, 8 4,                  8 25, 14 1, 16 10,                  22 10, 27 13,                  30-10, 32 9, 32 15,                  32 25, 41-13,                  41 16, 42 23, 44.4,                  45 10, 45 25,                  46 12, 46 21,                  47 18, 47 20, 48 8,                  49 1, 50 19, 51 3,                  52 19, 54 1, 55 2,                  55 4, 58 24, 59 20,                  62 16, 63 3, 63 4,                  63 5, 72 16, 77 16,                  77 21, 78 3, 79 11,                  81 8, 83 4, 83 6,                  83 12, 84 4, 84 5,                  85 2, 86 23, 87 8,                  87 17, 89 6, 90 6,                  90.8, 92 2, 92 6,                  92 7, 93 12, 93 19,                  94 14, 96 8, 96 19,                  97 9, 97 17, 98 19,                  98 21, 101 10,                  101 25, 103 10,                  104 16, 104 22,                  105 20, 106 9,                  106 16, 108 3,</p>	<p>108 9, 109 5,                  114 11, 116 25,                  117 11, 121.2,                  121 10, 122 17,                  123 1, 124 18,                  126 17, 127 14,                  128 9, 129 17,                  130 2, 130 7,                  131 22, 132 2,                  132 3, 132:10,                  132-12, 132 21,                  133 15, 135 11,                  137 23, 138 10,                  139 1, 139 5,                  141 24, 142 21,                  143 5, 144 16,                  144 25, 146 6,                  146 18, 147.12,                  148 15, 148 20,                  149 15, 149 24,                  150 4, 150 8,                  155 8, 155 21,                  158 7, 159 5,                  159 10, 160 8,                  163 9, 163.20,                  164 21, 165-16,                  166 19, 173 17,                  175 1, 175 23,                  176 3, 176 6,                  176 14, 177.15,                  177 17, 180 8,                  181 8, 182 12,                  183 5, 184 14,                  184 25, 185 9,                  185 24, 187 15,                  188 5, 189 4,                  189 7, 190 9,                  190 10, 190 21,                  192 19, 193 14,                  194 9, 195 13,                  195 14, 196 2,                  196 10, 198 15,                  199 7, 200 1,                  200 6, 200 21,                  201 21, 203 4,                  203 7, 203 23,                  206 13, 207 19,                  207 21, 208 8,                  209 1, 209 18,                  210 20, 211 24,                  212 11, 213 5,                  213 8, 214.22,                  215 3, 215 9,                  215 21, 216 14,                  216 16, 217 2,</p>	<p>217 20, 218 19,                  218 22, 220 4,                  220 17, 232 15,                  232 17, 233 5,                  233 8, 234 10,                  235 1, 235 25,                  236 10, 236 12,                  237.14, 239-8,                  239 10, 240 9,                  240 10, 240 23,                  241 6, 241 21,                  242 13, 243 10,                  244 9, 244 18,                  245 15, 246 13,                  247 18, 247 19,                  248-3, 248 4,                  248 18, 248 19,                  249 25, 250 17,                  251 21, 253 24,                  253 25, 254 9,                  255 1, 256 1,                  256 23, 257 5,                  259 8, 259 15,                  259 17, 259 24,                  260 1, 260 13,                  264 4, 266 13,                  266 19, 266 20,                  267 11, 267 20,                  267 22, 268 9,                  268 15, 268 18,                  268 20, 268 25,                  269 4, 269 21,                  270 15, 270 22,                  271 2, 271 3,                  271 6, 271 9,                  272 19, 272 21,                  272 24, 273 7,                  273 11, 273 14,                  273 24, 274 13,                  274.16, 274-17,                  274 20, 275 4,                  276 11, 276 20,                  277 8, 277 15,                  278 25, 280 22,                  280 25, 281 23,                  282 1, 282 5,                  282 10, 282-22,                  284 16, 285 4,                  285 10, 285 19,                  286 17, 287 17,                  288 2, 288.6,                  288 7, 289 12,                  289 24, 290 4,                  290 11, 290.17,                  291 1, 291 18,</p>
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<p>291 19  <b>what'd</b> [3] - 232 25,                  241 11, 241 14  <b>what's</b> [15] - 14 25,                  59 9, 68 23, 72 21,                  128 1, 128 17,                  143 16, 163 5,                  190 16, 196 6,                  228 6, 240 20,                  247 2, 247 4,                  247 17  <b>whatever</b> [12] - 7 24,                  13 20, 51 1, 76 11,                  89 21, 103 17,                  122 21, 168 12,                  190 12, 232 1,                  242 8, 243.24  <b>whatnot</b> [1] - 79 4  <b>when</b> [205] - 8 21,                  12 22, 15 23,                  15 24, 17 2, 19 17,                  28 1, 29 25, 30 7,                  39 10, 41 10,                  48 23, 67 8, 68 12,                  72 19, 83 10,                  86 13, 88 1, 88 2,                  88 14, 89 16, 92 9,                  92 12, 94 18,                  97 14, 98 2, 99 18,                  105 12, 105 16,                  106 19, 106 25,                  109 5, 109 17,                  110 14, 110 22,                  110 24, 111 22,                  112.24, 115 25,                  116 6, 116-18,                  117 3, 118 5,                  118 16, 118.17,                  119 1, 119 3,                  119 15, 122 16,                  124 24, 125 21,                  128 19, 129 4,                  130 7, 131 9,                  132 16, 134.4,                  137 8, 137 25,                  142 11, 145 2,                  147 3, 148 11,                  148 16, 149 11,                  150 22, 151 16,                  157 4, 157 6,                  157 19, 159 19,                  160 2, 160 9,                  160 15, 161 6,                  161 21, 164 10,                  164 14, 168 15,</p>	<p>168 25, 169 12,                  173 20, 176 3,                  180 1, 181 9,                  182 1, 183 10,                  185 24, 186 25,                  188 3, 191 16,                  194 17, 195 14,                  197 7, 198 24,                  201 17, 201 18,                  202 3, 204 10,                  206 21, 207 2,                  209 19, 209 23,                  210 10, 211 18,                  211 19, 212 9,                  212 11, 212 13,                  214 6, 215 7,                  215 8, 217 2,                  219 17, 226 14,                  227 9, 227 11,                  228 7, 228 13,                  228 15, 231 7,                  233 2, 234 16,                  235 5, 236 15,                  237 25, 238 5,                  238-11, 239 7,                  239 9, 239 10,                  239 25, 240 2,                  243 7, 243 8,                  245 1, 248 8,                  248 11, 249 11,                  250 8, 251 20,                  253 22, 254 1,                  254 5, 254 25,                  257 4, 257 8,                  257 10, 257 18,                  258 10, 258 19,                  259.20, 260 17,                  260 23, 260.24,                  262 4, 263 4,                  263 13, 264 6,                  264 9, 266 19,                  266 23, 268 22,                  269 13, 273 10,                  276 2, 276 16,                  276 21, 277-16,                  278 2, 278 6,                  280 21, 281 15,                  281 16, 283 20,                  285 6, 287 12,                  288 1, 288 8,                  288 13, 289 11,                  289 19, 290 5,                  290 6, 294 7,                  294 11, 294 14,                  294 20</p>	<p><b>where</b> [146] - 6 14,                  10 17, 10 18,                  10 24, 11 17,                  12 16, 12 23,                  16 17, 17-16, 18.4,                  19 19, 21 2, 21 12,                  25 15, 25 16, 27 6,                  27 8, 27 13, 34 2,                  34 11, 40 19, 46 9,                  49 22, 53 9, 58.13,                  84 8, 86 13, 89 9,                  89 13, 92 8, 95 8,                  96 1, 96 2, 97 12,                  98 3, 100 24,                  101 2, 101 20,                  102 6, 105 13,                  106 12, 106 23,                  107.1, 107 23,                  108-20, 109 9,                  110 24, 111 3,                  112 5, 113 19,                  115 11, 115 13,                  119 15, 120 11,                  120 19, 120 22,                  120.23, 121 13,                  122 2, 123 7,                  123 23, 123 25,                  124 7, 126 25,                  128 2, 128 10,                  129 21, 130 10,                  137 8, 137 10,                  137 13, 137 24,                  138 20, 139 6,                  139 15, 139 17,                  139 21, 140 1,                  160 24, 163 22,                  164 11, 166 2,                  167 20, 178 11,                  180 22, 182 9,                  184 6, 185 22,                  186 23, 186 25,                  187 8, 189 21,                  194 12, 194 22,                  195 25, 197 15,                  199 14, 200 17,                  204 21, 211 7,                  211 10, 212 4,                  217-23, 218 8,                  218 10, 228 12,                  228 13, 233 3,                  236 14, 236 17,                  237 3, 240 1,                  245.1, 245 3,                  246 22, 247.1,                  253 2, 255 7,</p>
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<p>255 15, 257 1, 257 8, 261 7, 266 15, 266 17, 275 17, 276 16, 279 19, 280 3, 281 10, 283 1, 283 3, 283 11, 287 12, 287 24, 289 11, 294 20, 294 23, 295 1</p> <p><b>where'd</b> [1] - 95 2</p> <p><b>where's</b> [1] - 255 4</p> <p><b>whereas</b> [1] - 52 13</p> <p><b>wherever</b> [1] - 176 25</p> <p><b>whether</b> [66] - 13 19, 16 22, 26 20, 28 14, 28 16, 30 22, 37 17, 60 24, 62 13, 66 7, 76 3, 76.16, 88 23, 89 19, 94 24, 112 2, 116 1, 118 2, 123 20, 124 4, 126 9, 127 5, 127 10, 133 4, 143 16, 155 6, 155 10, 155 21, 157 14, 161 15, 163 3, 164 22, 164 23, 172.8, 172 11, 172.19, 173 11, 197 10, 197 12, 200 13, 201 4, 203 11, 206 6, 218 17, 218 18, 219 2, 220 1, 231 13, 238 25, 241 18, 250 9, 250 11, 251 3, 257 22, 264 12, 265 6, 265 22, 270 2, 277 5, 277 10, 279 5, 281 20, 286 3, 288 2, 290 21</p> <p><b>WHICH</b> [1] - 297 8</p> <p><b>which</b> [56] - 10 13, 10 25, 11 5, 11 10, 11 13, 11 22, 11 25, 14 2, 14 14, 15 16, 15 18, 21 15, 24 1, 29 20, 30 8, 34 13, 45 20, 53 7, 55 13, 55 24,</p>	<p>56 16, 65 2, 94 15, 115 6, 119 22, 121 22, 124 1, 127 24, 146.10, 152 12, 153 24, 153 25, 158 20, 160 6, 175 24, 176 17, 182 10, 186 16, 188 15, 189 7, 206 1, 230 12, 236 9, 236 11, 236 19, 237 11, 242 22, 249 4, 259-1, 274 6, 278 13, 292-9</p> <p><b>while</b> [14] - 20 16, 28 12, 57 10, 94 20, 97 11, 104 14, 165 14, 169 11, 192 24, 193 3, 212 25, 214 24, 256 13, 294 1</p> <p><b>white</b> [7] - 21 24, 23 8, 23 10, 108 11, 164 7, 192.13, 240 13</p> <p><b>Whitey</b> [1] - 254 13</p> <p><b>who</b> [71] - 31 16, 45 4, 46 8, 47 12, 47 22, 55 13, 59 18, 59 24, 60 12, 62 24, 64 7, 68 5, 68 7, 82.10, 82 13, 82 21, 82 23, 88 18, 88 25, 98 21, 107 12, 121 1, 132 7, 151 3, 177 25, 180 2, 184 3, 189 10, 197 4, 197 18, 197 19, 197-20, 197 23, 198 6, 199 7, 201 18, 213 3, 218 9, 220 20, 221 6, 221 22, 234 13, 239 13, 240 8, 241 25, 242 3, 242 6, 242 19, 245 12, 245 13, 252 11, 258.2, 261 6, 265 10,</p>	<p>269 24, 269.25, 270 6, 270 9, 271 20, 281 23, 290 9</p> <p><b>who's</b> [7] - 60 2, 68 8, 99 23, 121-23, 213 3, 245 15, 271 14</p> <p><b>whole</b> [4] - 93 18, 134 15, 257 17</p> <p><b>whom</b> [1] - 121 1</p> <p><b>whose</b> [4] - 6 2, 50 21, 57 8, 181 19</p> <p><b>why</b> [25] - 21 17, 29 4, 64 23, 90 8, 161 14, 163 18, 165 11, 166 3, 170 9, 179-12, 183 5, 196 22, 200 5, 200 7, 202 1, 207 1, 211 23, 217 16, 224 24, 226 17, 228-25, 270 24, 272 11, 273 14, 277 25</p> <p><b>width</b> [2] - 157 8, 157 21</p> <p><b>wife</b> [1] - 163 7</p> <p><b>will</b> [20] - 7 25, 33 25, 34 1, 34 13, 67 16, 67 17, 72 14, 79 5, 101 12, 112 9, 161 12, 162 3, 162 7, 169 15, 171 12, 172 3, 229 9, 230 18, 292 8</p> <p><b>wincing</b> [3] - 250 23, 251 2, 251 7</p> <p><b>window</b> [12] - 85 7, 87 4, 87 13, 88 19, 107 8, 107 13, 151 1, 177 19, 177 22, 187 3, 187 9, 197 20</p> <p><b>windows</b> [1] - 138 4</p> <p><b>winter</b> [1] - 234 18</p> <p><b>wish</b> [3] - 77 3, 173 3, 266 2</p> <p><b>with</b> [284] - 7 3, 7 9, 7 19, 9 3, 11 9, 14 6, 19 23, 19 24, 20 21, 21 19, 25 25, 26 23, 27 2,</p>
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<p>245 1, 245 2, 245 13, 245 14, 245 25, 246 3, 246 4, 246 5, 246 12, 246 15, 246 16, 247 12, 247 13, 248 4, 248 11, 248 18, 248 22, 249.4, 249 5, 249 8, 249 22, 250 7, 250 9, 250 16, 250 17, 250 20, 251.2, 251 3, 251 7, 251 8, 251 16, 251 17, 251 20, 252 12, 252 14, 252 15, 252 23, 252 24, 253 14, 253 16, 253 20, 253 23, 254 10, 254 15, 254 25, 255 10, 256 14, 256 17, 257 10, 257-11, 257 20, 257 22, 258 3, 258 10, 258 11, 258 13, 258.14, 258 17, 258 19, 259 15, 259 16, 259 19, 259 24, 260 3, 260 25, 261 8, 261 10, 262 3, 262 4, 262-24, 263 2, 263 4, 263 5, 263 9, 263 19, 263 22, 263 23, 263 24, 264 5, 264 11, 264 16, 264 17, 264 23, 265 2, 265 4, 265 13, 265 15, 265 17, 265.20, 265 22, 266-1, 266 2, 266-9, 266 13, 266 15, 266 19, 266 20, 266 23, 267 1, 267-5, 267 8, 267 13, 267 16, 267 17, 267 20, 267 23, 268 2, 268 3, 268 15, 268.16,</p>	<p>268 22, 268 25, 269 7, 269 12, 269 14, 269 18, 269 21, 270 2, 270 6, 270.12, 270 15, 270 19, 270 22, 270 24, 271 2, 271 10, 271 17, 271 20, 271 25, 272 4, 272.11, 272 12, 272-15, 272 17, 272 19, 272 23, 272 25, 273 7, 273 10, 273 11, 273 17, 273 20, 273 24, 274 6, 274 8, 274-13, 274 17, 274 25, 275 4, 275 7, 275 11, 275 14, 275 16, 275 17, 276 5, 276 8, 276 11, 276 12, 276 16, 276 20, 277.1, 277 5, 277 9, 277 12, 277 13, 277 16, 277 25, 278 2, 278 5, 278 6, 278 8, 278 11, 278 15, 278 22, 278 25, 279 3, 279 5, 279 20, 280 2, 280 3, 280 7, 280 8, 280 21, 280 22, 280 25, 281 4, 281.6, 281 14, 281-16, 281 20, 282 1, 282 10, 282 11, 282 18, 282 22, 283 8, 283 11, 283 17, 283 20, 283 23, 284 6, 284:12, 284 16, 285 4, 285 10, 285 20, 285 22, 286.3, 286 7, 286 12, 286.14, 286 17, 287-1, 287 5, 287 9, 287 12, 287 17, 288 1, 288 5, 288 6,</p>	<p>288 19, 288 24, 289 5, 289 9, 289.11, 289 12, 289 24, 289.25, 290 4, 290-9, 290 11, 290 14, 290 17, 290 19, 290 21, 291 6, 291 12, 291 16, 291 20, 291 23, 292 19, 293 3, 293 13, 293 14, 293 15, 293 19, 293 22, 293 25, 294 2, 294 3, 294 5, 294 14, 294 16, 294 20, 294 21, 295 4, 295 9, 295.10, 295 15, 295 17 you'd [2] - 45 23, 209 12 you'll [2] - 62 5, 164 6 You're [1] - 207 14 you're [104] - 10 7, 11 22, 20 7, 23 8, 23 18, 25 14, 28 1, 29 4, 35 8, 35.9, 35 10, 43 23, 43.24, 45.2, 45 25, 54-18, 63 14, 67 18, 77 11, 81-17, 86 10, 88 22, 94 4, 98 19, 99 12, 99 20, 99 25, 101 8, 101 10, 103 3, 103 10, 104 10, 105 14, 108 23, 108 25, 112 12, 118 1, 118 2, 120 1, 120 16, 125 9, 128 1, 129 14, 131 9, 140 7, 142 22, 147 18, 149 25, 162 13, 165 17, 166 8, 166 12, 166 23, 169 24, 173 24, 176 3, 184 22, 185 25, 187 19, 191 8, 191 23, 192 24, 193 3, 193 8, 193 24, 198 24,</p>
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              8 22, 10 2, 11 6,                  11 25, 12 2, 13 13,                  15 1, 15 17, 17 10,                  17 15, 17 17,                  17 19, 22 12,                  28 13, 31 20, 32 5,                  32 25, 33 14,                  36 12, 37 16,                  37 18, 38 3, 38 21,                  40 2, 40 6, 40 14,                  41 9, 42 9, 42 18,                  43 2, 43 7, 43 8,                  43.9, 44 14, 47 10,                  48.22, 53 8, 54 23,                  59-6, 59 12, 62 12,                  63 13, 65 17,                  66.10, 66 22,                  68 19, 69 6, 70 7,                  70 9, 70 24, 73 19,                  75 6, 75 10, 76 12,                  76-16, 76 17,                  76 20, 79 11,                  79 21, 80 18,</p>	<p>81 23, 83 4, 83 12,                  85 13, 85 20, 86 5,                  86 6, 86 16, 90 8,                  91 24, 95 5, 97 3,                  97 7, 97 11, 97 16,                  101 9, 101 22,                  103.4, 103 5,                  106 16, 110 25,                  112 19, 121 8,                  124 10, 124 18,                  126 17, 130 3,                  132 6, 134 3,                  135 21, 136 2,                  137 10, 140 1,                  141 17, 142 12,                  142 19, 142 21,                  143 16, 144 6,                  144 7, 144 9,                  144 16, 144 25,                  145 2, 145 17,                  145 23, 146 8,                  146 10, 146 13,                  146 17, 147 10,                  149 16, 150 2,                  150 9, 151 13,                  152 3, 153 2,                  153 14, 156 23,                  157 4, 157 7,                  160 4, 161 9,                  163 24, 166 14,                  167 15, 167 21,                  168 2, 168 17,                  169 14, 169 21,                  171 14, 171 23,                  172 19, 173 10,                  173 17, 173 25,                  174 15, 174 20,                  174 22, 175.6,                  175 20, 175 23,                  176 3, 177 6,                  177 12, 178 1,                  178.7, 179 9,                  180-8, 182 23,                  183 25, 184 17,                  184-18, 185 1,                  185 6, 185 10,                  185 25, 186 1,                  193.11, 193 19,                  194 7, 195.13,                  195 15, 196 6,                  202 15, 202 20,                  204-1, 204 22,                  206 10, 209 6,                  209 9, 209-11,                  210 2, 212-4,</p>	<p>213 8, 213.16,                  217 2, 217-16,                  219 23, 222 2,                  222 14, 222.24,                  223 6, 223 9,                  223 23, 223 25,                  224 12, 224 21,                  225 19, 226 23,                  229 20, 229 23,                  230 20, 231 4,                  231 16, 231 23,                  234 8, 235 1,                  235 14, 236 10,                  237 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<b>Your</b> [1] - 31 13  <b>yours</b> [2] - 40 12,                  40 13  <b>yourself</b> [7] - 21 5,                  36 3, 68 22, 75 19,                  76.8, 231 21,                  265-17  <b>yourselves</b> [1] -                  204 22</p>
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Z

Z [1] - 30 4  
Zoom [1] - 6 5  
Zyprexa [1] - 57 19