

IMPOUNDED TRANSCRIPT

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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 1
BEFORE THE HONORABLE MICHAEL D. BRENNAN

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(Appearances continued on page 2.)

Concord, Massachusetts
Courtroom 2
December 14, 2022

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IMPOUNDED TRANSCRIPT

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1 PROCEEDINGS

2 (Court called to order.)

3 (10:08 a.m.)

4 THE COURT OFFICER: You may be seated.
5 Court is in session.

6 Just, once again, please make sure your
7 electronic device is turned off and put away.

8 Thank you.

9 THE CLERK: And, your Honor, calling
10 Docket 2227IN01, Inquest into the Death of
11 Brendan Reilly.

12 THE COURT: Would the parties identify
13 themselves for the record, please.

14 MR. VAN EPPS: Good morning, your Honor.
15 Graham Van Epps for the Commonwealth.

16 MS. GEMMILL: Good morning, your Honor.
17 Caitlin Gemmill for the Commonwealth.

18 THE COURT: Good morning.

19 MR. MCDONALD: Good morning, your Honor.
20 Alan McDonald for the Lexington police officers.

21 MR. HEINEMAN: Good morning, your Honor.
22 Michael Heineman for the Reilly family.
23 With me is Jason Kent, also from my
24 office.

25 THE COURT: All right. And just before

1 we begin, I just want to maybe put a few things
2 on the record.

3 And just so, for the people that have
4 never been involved in an inquest or aren't
5 familiar with the procedure, this is not a
6 confrontational exercise, meaning it is not
7 a -- a trial where there are different sides.

8 The purpose of an inquest is to provide
9 the fact finder, me, with information from which
10 I can determine whether there's probable cause or
11 not to believe that a crime occurred in
12 connection with the events of February 12, 2022.

13 So, to that end, while there is -- there
14 may be questioning of various witnesses,
15 cross-examination of the witnesses is not allowed
16 and not permitted under the rules.

17 A further thing, and I think the lawyers
18 are aware of this, but to the extent that other
19 people are not, we were out at the scene this
20 morning looking at the -- doing a view.

21 I kind of disclosed to everybody
22 beforehand I'm from Lexington. I graduated from
23 Lexington High School. I grew up about 100 yards
24 away, 200 yards away from where the incident took
25 place.

1 I grew up on Liberty Avenue, so I'm very
2 familiar with the scene, I'm very familiar with
3 the area.

4 I don't know any of the parties involved.
5 I haven't been back to Lexington since I
6 graduated.

7 Well, my parents sold the house in 1987.
8 I graduated college in 1985. I haven't been back
9 to Lexington since right around then, other than
10 to drive through on the highway and occasionally
11 just driving through.

12 But I just wanted everyone to understand
13 that I am very familiar with the area around
14 where this all took place.

15 I have no vested interest in anything
16 that happened. I don't know any of the parties.

17 So with that -- and, also, just one other
18 thing, I apologize.

19 I notice that there are people that are
20 wearing masks. If anyone prefers to wear a mask,
21 that is totally fine with me, so whatever your
22 comfort level is; and that goes for any of the
23 witnesses that are going to come in.

24 Anyone that wants to wear a mask should
25 feel completely comfortable wearing a mask. All

1 right?

2 MR. VAN EPPS: Your Honor, I just wanted
3 to address a couple housekeeping matters before
4 we call the first witness.

5 Prior to the proceedings today, there
6 have been three discovery notices. There was a
7 fourth sort of rolling discovery that was kind of
8 leading up to today.

9 I brought hard copies of the materials,
10 and I've given them to the clerk. I'll have an
11 inventory of them, an actual notice, for the
12 Court a little bit later.

13 Most of them are transcripts of things
14 like that. There's also the training materials
15 the Court wanted me to get.

16 THE COURT: Yes.

17 MR. VAN EPPS: There are -- there is a
18 new State Police interview report in there
19 involving a -- a juvenile that the Court can read
20 over. We can talk about that later.

21 I also did disclose to counsel ahead of
22 time, Officer Charles DiChiara is -- you know, we
23 expect to call on January 4th as a -- for
24 background -- on use of force and training and
25 things like that.

1 He was apparently disciplined in 1998 by
2 the Waltham Police for conduct unbecoming.

3 Essentially, he -- he used foul language
4 during booking.

5 He essentially was -- took over the
6 booking of a very argumentative and hostile
7 arrestee, who had been threatening a female
8 officer -- essentially threatening to rape her
9 and all these things.

10 And when the guy challenged DiChiara to a
11 fight, DiChiara referred to him as a coward but
12 also referred to him using foul language
13 referring to a woman's genitalia -- the P word,
14 not the C word.

15 And he was later disciplined for that and
16 served a suspension. So I don't know that it has
17 a lot of value, but I just want to bring it up --

18 THE COURT: Okay.

19 MR. VAN EPPS: -- out of an abundance of
20 caution.

21 THE COURT: Sure. Okay. Whenever you're
22 ready.

23 MR. VAN EPPS: Commonwealth calls Kim
24 Hine.

25 THE COURT: Mr. Van Epps, have you gone

1 over with the various witnesses that these are
2 basically closed proceedings and that they're not
3 necessarily to discuss -- you can't keep them
4 from discussing their testimony but obviously
5 that these are --

6 MR. VAN EPPS: They've been advised that
7 it's a nonpublic, closed proceeding.

8 THE COURT: All right.

9 MR. VAN EPPS: If the Court wishes the
10 witnesses to refrain from discussing it until the
11 report comes out, I'd suggest the Court just say
12 that.

13 THE COURT: Fine.

14 THE COURT OFFICER: Step up here, please.

15 I'm just going to ask that you raise your
16 right hand.

17 Face the clerk, please.

18 THE CLERK: Do you solemnly swear or
19 affirm the testimony you'll provide the Court
20 today will be the truth so help you God?

21 THE WITNESS: Yes.

22 KIMBERLY HINE, SWORN

23 THE CLERK: Right this way, please.

24 THE COURT: And just watch your step
25 getting in there.

1 And, Commonwealth, before you begin.

2 Ms. Hine, my name's Judge Brennan.
3 these -- this -- as you probably are aware from
4 talking to the DA's office, this is an inquest
5 proceeding, which is basically a closed, secret
6 proceeding.

7 I can't order you not to discuss your
8 testimony with anyone, but my preference is until
9 the report is released that you not discuss your
10 testimony with anyone.

11 THE WITNESS: Okay. Yup.

12 EXAMINATION

13 BY MS. GEMMILL:

14 Q. Good morning, ma'am. Can you please
15 introduce yourself to the Court and spell your
16 first and last name for us?

17 A. Sure.

18 My name is Kim, K-I-M, Hine, H-I-N-E.

19 Q. All right. Is Kim a nickname, or is that
20 your full name?

21 A. Kimberly.

22 Q. Can you just spell that first, your full
23 first name for us?

24 A. K-I-M-B-E-R-L-Y.

25 Q. Ma'am, how old are you currently as you sit

1 here today?

2 A. Forty-nine.

3 Q. What is your date of birth?

4 A. September 5, 1973.

5 Q. Where do you currently live?

6 A. 145 East Street, Lexington.

7 Q. How long have you lived at that address?

8 A. 2008.

9 Q. All right. Did you live in Lexington your
10 whole life, or did you grow up somewhere else?

11 A. I grew up somewhere else.

12 Q. Okay. Do you currently work?

13 A. I do.

14 Q. What do you do for work?

15 A. I'm a marketing director at CVS Health.

16 Q. CVS Health?

17 A. CVS Health, yes.

18 Q. Okay. I'm going to turn your attention now
19 to February 12th of 2022.

20 I believe you told us you'd been living in
21 Lexington for quite a few years.

22 A. Um-hum.

23 Q. Were you living at that same address in
24 February of 2022?

25 A. Yes.

1 Q. Okay. Did you have particular plans on that
2 Saturday?

3 A. I was heading to Bedford to go shopping.

4 Q. Okay. And if you can just make sure you talk
5 into your microphone, just to make sure --

6 A. Sure.

7 Q. -- everyone can hear you.

8 A. Is that better?

9 Q. Okay. Thank you. Acoustics are a little
10 funny in this room.

11 You were headed to Bedford to go shopping?

12 A. Yes.

13 Q. Okay. About what time were you planning to
14 go on a shopping trip?

15 A. (No audible response.)

16 Q. Like, what time of day was it?

17 A. Probably late morning.

18 Q. Okay. Were you going with anyone?

19 A. No, I was alone.

20 Q. How did you plan to get to Bedford?

21 A. Driving.

22 Q. What kind of car did you have at the time?

23 A. I think I was driving my Jeep Wrangler.

24 Q. Your path into Bedford --

25 A. Um-hum.

1 Q. -- what road did that take you on through
2 Lexington?

3 A. Let's see, it went down East Street. I took
4 a left on Adams; right on Coolidge; right on
5 Hancock.

6 And then I was going to go through the
7 rotary up, I forget the name of the road, but to
8 Bedford Street.

9 But I couldn't, so I kind of went one
10 extra turn around the rotary after the incident.

11 Q. Okay. The rotary you're talking about --

12 A. Um-hum.

13 Q. -- is that the rotary near the Diamond Middle
14 School?

15 A. Yes.

16 Q. Are you familiar with that rotary?

17 A. Very much. My kids went to school there.

18 Q. Your kids went to Diamond Middle School?

19 A. Correct.

20 Q. Okay. How many -- how frequently would you
21 say that you go through that area on a regular
22 basis?

23 A. Oh, probably only once a week.

24 Q. All right. But it's fairly frequently?

25 A. Yeah, yeah. Probably about once a week or

1 so.

2 Q. Okay. So what street are you taking to
3 approach the rotary that day?

4 A. Hancock.

5 Q. Hancock?

6 You said that you couldn't go through the
7 rotary.

8 Can you please describe to us what you
9 observed as you approached the rotary from
10 Hancock Street?

11 A. Sure.

12 So the rotary has four roads plus the
13 driveway to Diamond, which is kind of like a road
14 because it's a really long driveway.

15 And when you come up to the rotary, you're
16 supposed to stop before you merge on, which is
17 what I did.

18 And when I stopped -- it all happened
19 really quickly -- but I saw pretty much straight
20 across from me, so when I was on Hancock, then
21 there's the Diamond driveway, then there's -- I
22 think that's called Burlington Street.

23 So on whatever that street is called, I
24 saw a man lying perpendicular to the road, and
25 there was about, like, six cops around him.

1 And I saw what looked like the -- the cops
2 were holding what looked like rifles, like, long
3 guns, but I -- I'm now assuming they weren't
4 actually rifles, but, like, those bean bag -- I'm
5 going to say the wrong here, like, bean bag guns.

6 Q. I'm going to ask you a few more questions --

7 A. Um-hum.

8 Q. -- about that --

9 A. Um-hum.

10 Q. -- but first I'm going to show you a document
11 and ask you if you recognize this. Okay?

12 MS. GEMMILL: Your Honor, may I approach?

13 THE COURT: Yes.

14 MS. GEMMILL: Okay.

15 BY MS. GEMMILL:

16 Q. Ms. Hine, can you just take a look at this
17 image and -- oh, I'm sorry.

18 A. Um-hum.

19 Q. Tell me if you recognize what's depicted in
20 this image.

21 A. Yeah.

22 Q. What does that image depict?

23 A. The rotary and the five roads.

24 Q. All right. Is this a fair and accurate
25 depiction of the rotary as you know it but

1 probably in the summertime?

2 A. Yeah.

3 Q. Okay.

4 MS. GEMMILL: Your Honor, I would ask
5 that this be introduced as my first exhibit
6 today.

7 THE COURT: All right. Exhibit 1.

8 (Exhibit No. 1, Photograph, received into
9 evidence.)

10 MS. GEMMILL: Your Honor, may I publish
11 this?

12 THE COURT: Yes.

13 MS. GEMMILL: I'm just going to place
14 Exhibit 1 on our ELMO here --

15 THE COURT: Okay.

16 MS. GEMMILL: Kind of.

17 BY MS. GEMMILL:

18 Q. Ms. Hine, can you see the ELMO screen from
19 where you're seated?

20 A. Yeah.

21 Q. Okay. I'm just going to indicate here on
22 Exhibit 1 -- am I indicating Hancock Street?

23 A. Yes.

24 Q. All right. And this is the road you were
25 coming into the rotary on, correct?

1 A. Yes.

2 Q. All right. And this road right here, to the
3 right of Hancock Street, is that the driveway for
4 Diamond?

5 A. Yes.

6 Q. Okay. And then the next road around the
7 rotary is Burlington Street, correct?

8 A. Yes.

9 Q. All right. I'm going to bring you Exhibit 1,
10 and I'm just going to ask if you can mark for us
11 where you saw the man who was laying on the
12 roadway.

13 A. Okay.

14 (Inaudible discussion.)

15 BY MS. GEMMILL:

16 Q. If you can just draw a little oval for us in
17 the approximate area of where you saw the man
18 laying.

19 A. (No audible response.)

20 Q. Okay. Thank you.

21 MS. GEMMILL: I'm just going to publish
22 Exhibit 1 again.

23 BY MS. GEMMILL:

24 Q. So that little dark mark you made up here on
25 Burlington Street is where the man was laying?

1 A. Yes.

2 Q. So you mentioned that there were cops around
3 this man; is that correct?

4 A. Yes.

5 Q. And that's police officers, right?

6 A. Yes.

7 Q. And how many did you think you saw?

8 A. I'm guessing, like, six.

9 Q. Okay. What did you observe about the man who
10 was lying in the roadway?

11 Like, could you see from your position
12 what color his skin was, that kind of thing?

13 A. Only thing I really remember, I think he had
14 a hoodie on, but, and he was white, that's all I
15 remember, really.

16 Q. Okay. You mentioned that you noticed some of
17 these officers holding what looked like long
18 rifles.

19 Do you know how many of those long rifles
20 you saw?

21 A. No.

22 Q. Did it appear that only one officer was
23 holding a rifle like that or more than one
24 officer?

25 A. No, it was more than one. I would guess

1 three maybe. I don't know.

2 I -- like, they were around the guy, so I
3 think some of the cops were kind of blocked, you
4 know, blocking the others.

5 But I would say at least three maybe. It
6 could be more.

7 Q. Did you notice anything about the color of
8 those rifles?

9 A. If you made me pick a color, I'd say brown.

10 Q. Okay. Could you see whether or not the man
11 on the ground was moving around at all when you
12 first observed him?

13 A. I saw him, like, try to get up.

14 Like, he was lying like this and he -- if
15 you're lying like this, kind of pushed himself
16 up, but he didn't -- I don't remember him getting
17 all the way up.

18 Q. You're kind of making a movement with your
19 body where you sort of put your hands behind
20 you.

21 Is that what the man was doing, is putting
22 his -- putting his hands behind him?

23 A. Well, I remember his torso, like, coming up a
24 little bit, and I would imagine unless -- I mean,
25 unless you have a really strong core, you don't

1 usually get up without some sort of leverage,
2 so...

3 Q. Okay. So was he in, like, a seated position
4 at that point?

5 A. I don't even remember him getting all the way
6 up to seated, to be honest.

7 Q. All right. What was happening with his legs
8 when you're observing him putting his hands
9 behind him?

10 A. I don't remember anything about his legs.

11 Q. Okay. Could you see whether or not this man
12 had anything in his hands?

13 A. I don't, but I was -- I mean, if you remember
14 the -- remember the picture, I'm, like, pretty
15 far away, so I don't remember anything in his
16 hands.

17 He could have, but I don't remember it.

18 Q. Okay. We'll get back to that in just a
19 second.

20 So you are -- are you kind of stuck at the
21 intersection of Hamilton and this rotary?

22 A. Hancock.

23 Q. Excuse me, Hancock and this rotary?

24 A. I'm basically where I would normally stop to
25 get on to the rotary; I just -- I stopped. I

1 didn't move any -- I'm still -- I'm not in the
2 rotary yet.

3 Q. Do you have a sense about how long you stayed
4 in that particular spot?

5 A. Total? Maybe five minutes.

6 Q. Okay. So a matter of minutes?

7 A. Yeah.

8 Q. All right. Did you ever observe the male on
9 the ground move into a different position from
10 that sort of leaned back position that you were
11 describing?

12 A. I mean, most of the time he was flat.

13 Q. Okay. When he wasn't flat, can you describe
14 what you saw him do, if anything?

15 A. Again, like, he -- all I remember is that
16 he kind of got up; but he didn't get all the way
17 up.

18 Q. Okay. Could you see whether he got his feet
19 underneath him to stand?

20 A. I don't remember the feet.

21 Q. All right. Could you see what the police
22 officers were doing, if they were moving around
23 at all while this man was on the ground?

24 A. Not that I can remember.

25 Q. Okay. From your vantage point, could you

1 hear any sounds?

2 A. Well, I heard gunshots.

3 Q. We'll get to that in just a second.

4 But prior to hearing a sound of possible
5 gunshots, did you hear any other sounds, like
6 voices?

7 A. I think I heard some type of yelling; but,
8 like, my window was up and I'm sure my radio was
9 on.

10 I know my radio was on, because I remember
11 turning it down.

12 So there was, like, some shouting, but I
13 did not discern any words because, again, my
14 radio was on and my window was up. It was cold.
15 It was winter.

16 Q. At any point during your observations in the
17 rotary that day, did you hear any words that were
18 being said by the folks --

19 A. No.

20 Q. -- that you could see?

21 A. No. Just some shouts.

22 Q. Could you tell where the shouting was coming
23 from?

24 A. No.

25 Q. Okay. So you couldn't discern if the

1 shouting was coming from the man on the ground or
2 from the police officers or from both?

3 A. No.

4 Q. Okay. All right. So you're watching this
5 man who's -- who's on the ground; he's trying --
6 it looks like he's trying to get up.

7 Can you describe for us what you saw
8 happen?

9 A. I mean, that's really what I saw happen.

10 Q. Okay. You said that you heard gunshots.

11 Can you describe to us what you were
12 seeing at the time you heard what sounded like
13 gunshots?

14 A. It was basically all at the same time of what
15 I just explained.

16 Q. Okay.

17 A. And I heard, like, maybe five gunshots maybe,
18 I don't remember exactly, but there were several,
19 a handful.

20 But it all happened kind of at the same
21 time.

22 Q. Did you notice what happened to the man after
23 you heard those gunshots?

24 Like, did his body move or anything like
25 that?

1 A. Well, he -- after he tried to get up, he
2 ended up back in the same position that he was,
3 like, prone.

4 Q. Okay. Could you see what the police officers
5 did after you heard those shots?

6 A. I don't remember them doing anything --

7 Q. Okay.

8 A. In particular.

9 Q. -- at some point did you decide to document
10 what you were seeing?

11 A. I did.

12 Q. How did you do that?

13 A. On my phone.

14 Q. Okay. Did you take photographs or video?
15 Both of those things?

16 A. A video.

17 Q. Okay. And were you able to provide a copy of
18 that video to investigators in the course of this
19 investigation?

20 A. Yes.

21 Q. Okay. What part of your observations were
22 you able to film?

23 A. It was after what I just described.

24 Q. Okay. After you heard the shots?

25 A. Yes.

1 Q. Okay. Did you notice whether any of the
2 police officers attempted to help the man on the
3 ground after you heard the shots?

4 A. I don't remember.

5 Q. Okay.

6 A. I feel like at that point I was kind of,
7 like, in shock myself.

8 And I'm not sure I was completely paying
9 attention; and that's probably when I was, like,
10 Oh, my God, and I, like, grabbed my phone
11 afterward, like, after, so...

12 Q. Okay. Do you remember seeing if any
13 ambulances came into the area, anything like
14 that?

15 A. No, but I -- soon after the cars from the
16 Diamond lot -- they play basketball there on
17 Saturdays -- were leaving, were, like, getting --
18 going to the rotary, and I had cars backing
19 up behind me, and I felt like I need to -- I need
20 to go, I need to get out of here, so I entered
21 the rotary, like, you know, after maybe two cars
22 from Diamond entered, like, then I entered, so I
23 was out of there pretty quickly.

24 Q. All right.

25 A. Like, as soon as that video went off, I

1 was --

2 Q. All right. Do you know about how long you
3 spent filming before you had to move along?

4 A. I think only a minute or two.

5 Q. Okay. Ms. Hine, do you recall giving an
6 interview to a member of the police department on
7 February 13th, the day after this happened?

8 A. I don't think it was one day after, I think
9 it was, like, two, but, yes.

10 Q. So shortly after --

11 A. Yes.

12 Q. -- right?

13 A. Yup.

14 Q. Do you have any recollection of telling that
15 officer that interviewed you that you saw the man
16 get up off the ground and move towards the
17 officers?

18 A. I might have.

19 Q. Okay. Do you -- do you have a recollection
20 of seeing that at this -- as you sit here today?

21 A. I don't.

22 But I would imagine that whatever I said
23 then is probably more accurate than what I'm
24 saying ten months later.

25 Q. Okay. Do you remember whether you saw any of

1 the police officers putting on gloves, like for
2 medical treatment purposes after this?

3 A. I don't remember now.

4 If I said it at the time, it was, again,
5 probably more accurate than what I'm saying ten
6 months later --

7 Q. Okay.

8 A. -- because I was interviewed two days later,
9 so...

10 Q. Understood.

11 MS. GEMMILL: Thank you so much,
12 Ms. Hine.

13 I don't have any further questions for
14 you.

15 THE COURT: All right. Anybody else have
16 any questions?

17 Mr. Heineman?

18 MR. HEINEMAN: Yeah, just -- just
19 briefly.

20 EXAMINATION

21 BY MR. HEINEMAN:

22 Q. I'm unclear about whether you saw the man
23 ever get to his feet.

24 As you sit here today, do you have any
25 memory of the man getting to his feet before you

1 heard gunshots?

2 A. I don't remember it today, as I said, but if
3 I -- if I said it two days after, I would trust
4 my recollection two days after more than I would
5 trust it ten months after, so...

6 Q. Thank you.

7 Do you remember how many -- the sounds of
8 the gunshots, were they all the same sound to
9 you, or did you hear different sounding gunshots?

10 A. I think they were the same, but I can't say
11 for sure.

12 I don't think I've ever actually heard
13 gunshots before, except on TV.

14 Q. Thank you.

15 THE COURT: Thank you. All set.

16 THE WITNESS: All right.

17 (Witness excused.)

18 MR. VAN EPPS: Judge, let me just check
19 in the hallway and see if our next witness is
20 there.

21 THE COURT: Sure.

22 (Pause.)

23 MR. VAN EPPS: Your Honor, the next
24 witness is going to be John Chang.

25 THE COURT OFFICER: Stand here; raise

1 your right hand.

2 THE CLERK: Mr. Chang, do you solemnly
3 swear or affirm that the testimony you'll provide
4 the Court today will be the truth so help you
5 God?

6 THE WITNESS: Yes.

7 JOHN CHANG, SWORN

8 THE COURT OFFICER: Right this way, sir.

9 THE COURT: Good morning, Mr. Chang.

10 Before we get started, my name's Judge
11 Brennan.

12 I'm obviously -- well, not obviously; I'm
13 the judge who's presiding over this.

14 I can't order you not to talk about your
15 testimony when you leave here today, but my
16 preference is at some point there's going to be a
17 report written about -- and that's going to be
18 released to the parties about whatever findings I
19 make, and what I'd ask is that you wait to talk
20 to anybody about what you're testifying to today
21 until then, okay?

22 THE WITNESS: Okay.

23 EXAMINATION

24 BY MR. VAN EPPS:

25 Q. Mr. Chang, good morning.

1 A. Hi.

2 Q. We met before, right?

3 A. Yeah.

4 Q. And could you -- could you tell us where you
5 live today, what town you live in currently?

6 A. I live in Waltham.

7 Q. Waltham?

8 A. Yeah.

9 Q. And, back in February of this year, did you
10 live in Lexington?

11 A. Yes.

12 Q. And where'd you live?

13 A. I lived -- I don't really remember. Is it
14 Hancock Street?

15 Q. Um --

16 A. I don't --

17 MR. VAN EPPS: Judge, can you hear him
18 all right?

19 THE COURT: Just -- if you could just do
20 me a favor and put the microphone down a little
21 bit --

22 A. Do you mean the address?

23 Q. Do you know the address?

24 A. I don't know the address. I have bad memory
25 issues.

1 Q. You have memory issues?

2 A. Yeah.

3 Q. Okay. And did you live alone or with a
4 roommate?

5 A. I lived with Brendan and James at that house
6 in Lexington.

7 I think it was Hancock Street, was it?

8 Q. You think Hancock Street?

9 A. Was it Hancock Street?

10 Yeah, yeah.

11 Q. Is that a -- is that 98; that's right by the
12 rotary?

13 A. Yes, yes.

14 Q. Okay. And how long did you live at
15 98 Hancock Street, sir?

16 A. I think it was a couple of months. I can't
17 really remember.

18 Q. And you mentioned you lived with a Brendan
19 and a James.

20 Are you referring to James Hanify?

21 A. Yes.

22 Q. And is the Brendan -- is that Brendan Reilly?

23 A. Yes.

24 Q. How long did they live with you, if you
25 remember?

1 A. The few months I was there.

2 When I got there, they were already there,
3 so...

4 Q. Now, was that a house that -- you know, it's
5 managed by a group, but there are nurses that
6 come there?

7 A. Yeah. It's managed by a group, but I think
8 the nurses are separate. I don't think they come
9 with the house, yeah.

10 Q. Okay. And were you getting help while you
11 lived at that house?

12 A. No, I didn't have a nurse or anything. I was
13 staying there unofficially because -- yeah.

14 Q. Because why?

15 A. Oh, because I needed a place to stay. And I
16 work with the group on other stuff and -- at the
17 time, and, like, so I (indiscernible) place to
18 stay.

19 You usually have to pay, like, part of
20 your Social Security benefits to be there, but I
21 was staying there free.

22 Maybe it was official, but, like, I just
23 wasn't paying, but, like, yeah, I worked with
24 that group already, though, officially, though.

25 Q. Did you have a bedroom on the second floor?

1 A. Yes.

2 Q. Okay. Now --

3 A. I had a key and stuff, so...

4 Q. You had a key, too?

5 A. Yeah.

6 Q. Did -- did you -- did you understand that
7 other people in that house were getting visits
8 from nurses for mental health?

9 A. Yeah.

10 Q. Okay.

11 A. Yeah.

12 Q. And when you and I met last time, did we talk
13 about your own mental health situation?

14 A. Yeah.

15 Q. Okay. And could you just tell Judge Brennan
16 what that is?

17 A. I have schizophrenia, but, yeah. I -- just
18 get thoughts and stuff like that.

19 I hear -- I don't hear things auditory;
20 but, like, I imagine conversations and stuff
21 happening.

22 Q. And we talked about the last time we met
23 whether you can recognize when it's happening or
24 not?

25 A. I can, yeah.

1 I can give a good report of what happened,
2 like, accurate, and it won't be -- yeah, I don't
3 have any auditory or visual hallucinations.

4 Q. Okay. Do you have -- are you thinking
5 clearly today?

6 A. Yeah.

7 Q. Okay.

8 A. It's just I have trouble remembering what
9 happens a long time ago, so...

10 Q. Okay. And when Judge Brennan -- and when the
11 clerk gave you the oath to tell the truth, you
12 understand that's --

13 A. Yeah.

14 Q. -- trying to be truthful and accurate?

15 A. Yeah, I am. I try to be accurate, yeah.

16 Q. I appreciate that.

17 The -- the medication that you're
18 prescribed that you're supposed to take for your
19 schizophrenia, do you always take it?

20 A. I don't take it because I haven't heard
21 anything -- well, I call -- it's not hearing, but
22 I haven't heard anything for two years or so, so
23 I don't really need it.

24 I just have head pains from, like, a
25 mental collapse I had a couple years ago.

1 Q. I didn't hear you.

2 A. I just have head pains from a mental
3 collapse; memory issues now. I don't really hear
4 anything.

5 Q. Does the medication that you sometimes --

6 A. It hurts.

7 Q. -- take -- it hurts?

8 A. Yeah. That's why I don't take it, so...

9 Q. Okay. I want to talk to you back about
10 February of this year.

11 A. Yeah.

12 Q. February 12th.

13 That morning, was there a point at which
14 you were in your bedroom, or -- and you had a
15 conversation with Brendan Reilly?

16 A. Not a conversation before with the -- what
17 happened, but, yeah, he came -- I went up to
18 upstairs, and he came in my room, and accused me
19 of taking his medication so...

20 Q. Okay. And when he accused you of taking his
21 medication --

22 THE COURT: Can we just turn the phones
23 off?

24 BY MR. VAN EPPS:

25 Q. When he accused you of taking his -- his --

1 Brendan --

2 THE COURT: Hold on one second.

3 UNIDENTIFIED SPEAKER: Excuse me.

4 It's a diabetic alarm. It's not an
5 emergency.

6 THE COURT: Oh, okay. That's more
7 important than the cell.

8 MR. VAN EPPS: We'll wait.

9 (Pause.)

10 UNIDENTIFIED SPEAKER: Thank you.

11 THE COURT: Do you need to take a break?
12 Do you need any --

13 UNIDENTIFIED SPEAKER: No, no, I'm good.

14 THE COURT: Any candy or anything like
15 that?

16 UNIDENTIFIED SPEAKER: No, I'm good.
17 Thank you.

18 THE COURT: You're good?

19 BY MR. VAN EPPS:

20 Q. So when -- when Brendan approached you and
21 accused you of taking his medication, how did he
22 do it?

23 Can you tell me -- tell me what you were
24 seeing.

25 A. He -- he came in, he was already -- he was,

1 like, sweating and -- and yelling.

2 He was, like, Give me back my fucking
3 medication.

4 Q. Okay.

5 A. And, yeah, he was already upset and stuff
6 like that. It wasn't, like, a conversation. I
7 was really surprised.

8 Q. Okay. And -- and where did that happen in
9 the house?

10 A. In my room. He's like, Oh, let me in. I
11 think he -- yeah, he's -- let me.

12 In, I let him in my room, because nothing
13 happened before that and he was giving -- he's
14 like, Give me my medication. And it was very
15 surprising to me.

16 Q. When he -- what did he do to -- to let you
17 know he was outside the room?

18 How did you know he was outside your room?

19 A. I think he -- he just said, Let me in, or he
20 might have knocked or something.

21 Q. Okay. Knocked quietly or loudly?

22 A. I don't remember. I think he was -- it
23 seemed normal.

24 But, like, he was -- he always spoke a
25 little, like, aggressively, so, like, it didn't

1 seem -- I was -- I didn't think it was a big
2 deal. I.

3 Didn't think he was, like -- I thought
4 maybe he was looking for something or, like,
5 maybe he was doing something, but I don't
6 think -- I didn't think it was a big deal, like,
7 he was, like, really mad until I opened the door.

8 Q. So you opened the door; he seems mad.

9 A. Yeah.

10 Q. What happens after that?

11 A. Well, he seems out of it a little bit.

12 Q. What does that mean?

13 A. Like, he's, like -- I don't know, like, he's
14 like -- he's, like, pacing, like, Give me my
15 medication and stuff, like.

16 I just -- I think I was just really
17 confused, because we had never spoken about his
18 medication or anything.

19 And I had never -- I had no reason to take
20 his medication or anything. I was really
21 surprised that this was happening.

22 Q. And as he's telling you he wants his
23 medication, first of all, did you have his
24 medication?

25 A. No, I didn't -- I didn't have his medication,

1 yeah.

2 Q. And as he's telling you he wants his
3 medication back --

4 A. He asked me (indiscernible.)

5 Q. -- what else did he say?

6 A. That's it.

7 I was saying, like, I don't have your
8 medication, I didn't take it.

9 And he was like, Give it back to me, give
10 it back to me, I know you took it.

11 Q. Okay. Did there come a point where you
12 became scared that he was going to hurt you?

13 A. I was -- I was already scared he was going to
14 hurt me because he was talking about, like,
15 killing the day before, so...

16 Q. Tell me about that.

17 A. Yeah, the day before, he had -- I was in the
18 living room and it's connected to the dining room
19 and he -- I wasn't looking at him -- my back was
20 to him, I was on the couch, and I was just -- and
21 he was, like, Oh, hey, you know, if I killed a
22 cop, would you tell on me, and stuff like that.

23 Q. Okay.

24 A. So I said, Yeah, I said, Yeah, I would.

25 Q. And had you ever had a conversation about

1 that kind of thing with him before?

2 A. No. I had -- I had had -- not that.

3 He had, like, talked about, like, like,
4 two weeks before it or something like -- for a
5 couple weeks, he had been -- like, there had been
6 noises downstairs and he had been trying to break
7 into a safe.

8 And he was like -- and me and James -- me
9 and James didn't really know what he was doing,
10 but, like, I was, like, Is he breaking into the
11 safe? But, like, I didn't -- he was, like, Oh,
12 don't say anything. I said, Okay.

13 And, like, before that, a long time ago, I
14 found out he had taken a TV that they had
15 brought; but, like, he said he was going to
16 replace it, like.

17 Okay, fine, so I didn't say anything
18 either, not really, yeah.

19 Q. But the house, you mentioned a safe?

20 A. (Indiscernible.)

21 Q. Is that a safe that they normally keep
22 medication in?

23 A. I don't know what that safe is. I don't
24 remember what it was.

25 They had -- I think it was, like, money in

1 it, maybe. I think there was money in it.

2 Q. But you don't know?

3 A. Yeah. I just know he was -- there were weird
4 noises, and it turned out he was trying to break
5 in to the safe.

6 I thought it might be that, but, like, we
7 didn't know what it was for sure.

8 Q. So when you're upstairs with him and he's
9 demanding his medication back --

10 A. Yeah.

11 Q. -- you don't have it to give him.

12 So what's happening?

13 A. Yeah. I told -- I was, like, I don't have
14 it, don't freak out, I don't have it.

15 And then, like, I was, like, I was really
16 scared, and then so I was, like, Let's go look
17 for it.

18 He said, We're not looking for it; you
19 give it back to me right away, right now or I'll
20 hurt you.

21 I forgot exactly -- did he say he was
22 going to kill me or stab me, but I don't exactly
23 remember, I just know he said he was going to
24 hurt me, and so I had to trick -- I said, Okay,
25 I'll go get it, because he would let me, like,

1 not look for it, but get it, so I said, I'll go
2 get it.

3 Q. So what did you do, to kind of move this
4 along --

5 A. Yeah.

6 Q. -- and (inaudible)?

7 A. Like, I had to -- I said, I'll go get it, and
8 so, like, I went outside with him, I was, like --
9 I was -- he went out, and then I ran back in and
10 shut the door.

11 Q. So you go out in the hallway --

12 A. Yeah.

13 Q. -- with him?

14 A. Yeah.

15 Q. As if you're going to go downstairs?

16 A. Yeah.

17 Q. And then you double back and lock him out?

18 A. Yeah.

19 Q. And then what happens?

20 A. Then I opened the door and said, Help. Like,
21 Help, someone help me, as he's trying to hurt me.

22 Q. Okay. Was there at some point where you're
23 yelling to people outside the house?

24 A. Yeah, out the window, yeah, because the
25 window faced the street, so I was -- opened the

1 window and try to get someone to help me. I
2 don't have -- I didn't have a phone at the time,
3 so, yeah.

4 Q. So while this was going on, Brendan's still
5 locked outside of your room?

6 A. Yeah.

7 Q. Can you hear what he's doing?

8 A. I think he -- when I called for help, he goes
9 downstairs and he starts rummaging for a knife.

10 Q. Okay. And you can't see him rummaging, so
11 what makes you think he was rummaging?

12 A. I -- I could hear him rummaging.

13 And then, like, the night before, he had
14 mentioned, I want to stab you -- I want to stab a
15 police officer with a knife, so I figured he was
16 going for a knife.

17 Q. Did you -- what makes you think it was -- let
18 me withdraw that question.

19 You hear him rummaging --

20 A. Um-hum.

21 Q. -- and you're afraid?

22 A. Yeah.

23 Q. Okay. And you're yelling out the window?

24 A. Yeah.

25 Q. Is there anybody that you end up yelling to

1 or talking to?

2 A. A jogger and -- came by, and he's, like, Oh.
3 And he called, and, like, some lady called. And
4 they called and left and stuff, yeah.

5 Q. As this whole thing is going on -- well, let
6 me back up.

7 Does Brendan have a bedroom on the second
8 floor?

9 A. Yes. Yes.

10 Q. Where is that compared to yours?

11 A. It -- from my door -- facing my door, it's to
12 the right, so -- face outside of my room, it's to
13 the right.

14 Q. Okay. And does James have a bedroom on the
15 second floor?

16 A. Yeah. I think it was also to the right of
17 mine.

18 Q. Was James home when this happened?

19 A. Yeah. I think James locked himself in his
20 room; I (indiscernible) hear him breathing and
21 stuff so...

22 Q. Did you hear anything that James was doing
23 while this was going on?

24 A. Later I saw James go for a smoke once the
25 police arrived, yeah.

1 Q. So you're -- you're yelling out the window
2 for help?

3 A. Yeah.

4 Q. There's a jogger?

5 A. Yeah.

6 Q. And then what happens after that?

7 A. Yeah, Brendan -- I see Brendan go outside
8 to -- I think he crossed over the neighbor's yard
9 later.

10 And then, like, I heard it -- later I
11 heard the police say he was in the backyard.

12 When they were, like, coming in, they're,
13 like, Oh, he's in the backyard, so, yeah.

14 Q. Your -- your bedroom window is in the front
15 of the house, right?

16 A. Yeah.

17 Q. And it looks out on the front yard and the
18 rotary?

19 A. Yeah.

20 Q. After you -- after you heard Brendan go
21 downstairs, when is the next time you saw
22 Brendan?

23 A. Yeah, I saw him go out to the front to cross
24 through the neighbor's yard into the back, I
25 think, yeah.

1 Q. Okay.

2 A. I don't know if he was looking for something
3 he buried or was trying to get out.

4 I thought he was trying to leave, but he
5 went to the backyard, I guess.

6 Q. Did you see whether he was carrying anything
7 or not?

8 A. No, I didn't see whether he had a knife on
9 him or not.

10 Q. Okay. Are you still looking out the window
11 when the police arrive?

12 A. Yeah, when the police arrive, yeah.

13 And then I went back inside and I
14 barricaded the door. I think I might have done
15 that before that, yeah. I don't know.

16 Q. And did you keep the door barricaded until
17 later in the day?

18 A. Yeah. I kept it until it was over.

19 Q. Okay. Once the police arrived, what did
20 you -- what were you able to see from your
21 window?

22 A. I saw them go in and, like, try to talk to
23 Brendan, and it seemed like they knew him from
24 before.

25 Q. Where was that happening?

1 A. In the front. I saw them -- I saw James be,
2 like, Brendan's in the back or something like
3 that, I saw him talk to the police, I think. I'm
4 not sure about that.

5 But, like, yeah, I saw Brendan -- James go
6 out for a smoke in the front porch or front area,
7 and, yeah.

8 And then I saw -- later I saw Brendan make
9 a break for it, but it was, like, way later, I
10 mean, like.

11 Q. Okay. So can you see -- could you see what
12 was happening in the driveway next to the house?

13 A. Next to the house?

14 I don't remember.

15 Q. Okay. Do you remember seeing police in that
16 area at any point?

17 A. I don't remember how (indiscernible) stuff.

18 Q. Okay. Now, you mentioned -- you said a
19 couple minutes ago, Brendan made a break for it.

20 A. Yeah.

21 Q. Where was he when he made a break for it?

22 A. In the backyard, yeah.

23 I think -- yeah, he was -- he was -- I saw
24 him running -- I think I saw him running with the
25 knife.

1 And then, like, he went out to -- down the
2 street and stuff, and, like, there was -- the
3 police went after him, followed him and stuff.

4 Q. So when that happens, I'm trying to imagine
5 where you're -- what you're seeing.

6 A. Yeah.

7 Q. Where does he start from, and where does he
8 end up?

9 A. The left side of the house, and then he runs
10 out.

11 And then I think -- I don't really
12 remember that, I just remember he ended up down
13 the road to my left --

14 Q. Okay.

15 A. -- and way down the road.

16 And, like, he had his knife and he was
17 surrounded by the police and stuff.

18 Q. Is that on the far side of the rotary?

19 A. Yeah.

20 Q. Okay.

21 A. Just far down.

22 Q. So what -- what were you able to see as
23 that's going on?

24 A. I saw him, like, throw the knife; and then
25 get shot, fall down, and then they shot him again

1 (indiscernible), I think.

2 Q. Can you remember how many police officers
3 were there?

4 A. I think there were three to five, and I
5 just -- yeah.

6 I just remember him falling. I know he
7 fell and he got shot, I don't really remember the
8 order -- and I know he threw the knife first,
9 so...

10 Q. Can you tell Judge Brennan how were the
11 officers standing compared to where Brendan was?

12 A. It was -- they were standing, like, maybe a
13 few feet away, like, they're surrounding him. It
14 was -- yeah.

15 It was enough that he had to throw the
16 knife, so...

17 Q. Did -- and were you able to see whether or
18 not the police were holding anything while this
19 was going on?

20 A. I -- their guns, yeah.

21 Q. And what do you remember about those?

22 A. I remember they had silencers on them, I
23 think.

24 They were -- like, they were -- like, I
25 don't know if there were flare guns at first,

1 and, like, yeah, like --

2 Q. Do you remember anything about the color?

3 A. No, I don't remember.

4 I think they were black, but, like, for
5 some reason, I have confused them with flare
6 guns, I think.

7 Q. Was there a point before Brendan makes a
8 break for it and goes across the rotary, that's
9 what you said earlier.

10 A. Yeah.

11 Q. Is there a point at which he's closer to the
12 house and you're watching him with the police
13 closer to the house?

14 A. No. They were in the backyard talking.

15 Q. Okay. And the rotary is -- there's some
16 distance between the rotary and your bedroom
17 window, right?

18 A. Yeah. They were really small. Like, it's
19 pretty far down.

20 Q. How is your vision?

21 A. My vision's not that good, but I could see
22 him. I could see the knife, and I could see the
23 gun, and I could see them.

24 Q. Do you -- do you wear glasses for distance?

25 A. Yeah.

1 I think there was some, like, a bit of a
2 stretch where you see it, because it wasn't,
3 like, right in front of my window. There was a
4 tree blocking, something like that.

5 Q. Can you remember anything else about what
6 Brendan was saying to you when he was in your
7 room looking for -- telling you he wanted his
8 medication?

9 A. I -- I don't -- nothing.

10 I just remember him asking for his
11 medication and just saying I had it, yeah. He's
12 saying he was going to hurt me and, like --

13 Q. He was going to hurt you?

14 A. He's, like, yeah.

15 He's, like, I'll fuck you up, like, maybe,
16 like, something along the lines of, I've done it
17 before.

18 Like, something he has experience, like,
19 fighting. I don't think he did, but
20 (indiscernible) yeah, like...

21 Q. When you talked to the police after this
22 incident, you -- you described both your size and
23 Brendan's size.

24 How tall are you?

25 A. I think five foot, eight or something.

1 Q. Okay. How much do you weigh?

2 A. 140, one...

3 Q. Do you have a sense of how --

4 A. One thirty-five, I think now.

5 Q. I didn't hear you.

6 A. I think 135 maybe now. I think I was 140 at
7 the time.

8 Q. Do you have a sense of how large Brendan was
9 compared to you?

10 A. He was bigger than me, yeah.

11 Q. Did you hear anything while Brendan and the
12 police were on the other side of the rotary?

13 Did you hear what was going on?

14 A. Yeah, just, Put down the knife, put down the
15 knife, yeah.

16 Q. Did you hear whether there was one voice
17 saying that or more than one voice saying that?

18 A. I think there might have been two. I
19 don't -- I don't remember.

20 Q. And could you hear any response from Brendan,
21 of any kind, whether or not you could make out
22 the words?

23 A. I don't -- I remember he -- I saw him -- he
24 kept on aiming the knife. Like, he was getting
25 ready to throw it still, or (indiscernible) he

1 was still trying to stab them, so, yeah.

2 He wasn't very -- I don't -- he wasn't
3 cooperative, yeah.

4 Q. The -- the way you heard people saying, Drop
5 the knife --

6 A. Yeah.

7 Q. -- were they saying it, you know, like, the
8 way you and I were talking now or --

9 A. They were sort of screaming it.

10 Yeah, when they first got there, they were
11 amicable; but, then, once he made a break for it,
12 they were screaming and stuff, yeah.

13 Q. Okay. What about when Brendan was talking to
14 you in your bedroom, was he talking to you like
15 the way you and I are talking --

16 A. No.

17 Q. -- or was it louder?

18 A. He was -- he was, like, sweating. He looked
19 out of it. And, like, he was -- like, I don't
20 know if he was having psychosis or he was in
21 trouble or, like, because he had been talking
22 about his friends and even trying to borrow
23 money, I think, before that, so, like, yeah, or
24 if it's from not having his meds or something.

25 But, like, he -- he was, like -- and he

1 was, like, obviously, like, impossible to talk
2 to, because I don't -- I don't have his
3 medication and stuff.

4 And I've never done anything to make it
5 seem like I want his medication or anything. I
6 don't even know what he was on.

7 But, like, he -- and he -- but he refused
8 to believe I -- I didn't take it, so...

9 Q. Before this day --

10 A. Yeah.

11 Q. -- what was your relationship with Brendan
12 like?

13 A. I think -- I was -- I would -- like, order a
14 slice of pizza; other than that I didn't -- for
15 everyone, James and him, like, I'd get a pizza,
16 like, just have a slice.

17 But, like, at the most, I didn't talk to
18 him, but I think he was threatening me.

19 I think he might have wanted to hurt me
20 and may have used the drugs as excuse because he
21 had been, like, Oh, hey, what's up, buddy, buddy,
22 and stuff like that, and, like, I -- in my
23 experience, being Asian, when, like, white people
24 who are hoodish or lower-class white people, they
25 just call me buddy or things out of nowhere and

1 try to infantilize me, they usually end up trying
2 to hurt me later, to pick a fight.

3 Q. Okay.

4 A. Or try to control me or something.

5 Q. Did you hear any noises besides yelling from
6 the rotary while Brendan and the police were over
7 there?

8 A. I heard when the gunshots came.

9 Q. Do you have a memory of how many you heard?

10 A. A few.

11 I don't remember exactly how many.

12 Q. And do you -- could you see what happened
13 after you heard the shots?

14 A. I saw him on the ground. I think I might
15 have saw him get hit by them and fall down, yeah.

16 Q. Okay. Can you describe any of the movements
17 of the officers or Brendan before the shots?

18 A. Yeah. He -- Brendan was running. He's not
19 very fast.

20 He ran down the rotary and, like, they
21 circled him, and that's it.

22 They were just -- he was just trying to
23 get out the circle with the knife, and then he
24 got shot much.

25 They were sort of circling for, like, I

1 think it was, like, 15 minutes or something it
2 seemed like -- I didn't have a watch or
3 anything -- but, like, they were just circling
4 him, and, like, telling him, Put down the knife,
5 then they shot him.

6 Q. Do you have a -- as that's happening, do you
7 know whether Brendan was standing? Sitting?
8 Laying down?

9 A. Ah...

10 Q. Do you remember?

11 A. He threw the knife. I think he -- I don't
12 know. Because I -- I remember throwing the
13 knife, I remember him falling down, and I
14 remember him getting shot. I don't remember the
15 order.

16 He might have fallen down and threw the
17 knife, or he might have tripped and threw the
18 knife, like, or he might have thrown the knife,
19 got shot, and then fell down.

20 I think that's what happened, but I'm not
21 sure.

22 Q. Understanding that your -- your eyesight at
23 distance is not great --

24 A. Yeah.

25 Q. -- a couple times you've said that you

1 thought Brendan threw the knife.

2 A. I know Brendan threw the knife.

3 Q. And what about what you saw makes you think
4 he threw it?

5 I mean, because you're looking at some
6 distance from him.

7 A. It was -- I could see the -- even though it
8 was far, I could see pretty clearly he had a
9 knife and stuff.

10 It's just, like, I couldn't, like -- like,
11 the lighting was good, it was a bright day, so I
12 could see the whole thing, so.

13 Like, I know he threw the knife. I saw
14 him throw it, so.

15 MR. VAN EPPS: If Could I just have a
16 moment.

17 A. It's sort of, like, it hit the floor and
18 stuff.

19 MR. VAN EPPS: Your Honor, I don't have
20 any more questions for Mr. Chang.

21 I don't know if your Honor does.

22 THE COURT: All right. Before I -- do
23 you have any questions, Mr. McDonald?

24 MR. MCDONALD: No, your Honor.

25 THE COURT: Mr. Heineman?

1 MR. HEINEMAN: No.

2 THE COURT: Mr. Chang, let me just ask
3 you this.

4 You said that you're pretty sure that
5 Mr. Reilly threw the knife.

6 THE WITNESS: Yeah.

7 THE COURT: Do you recall what order
8 things, like -- when did things happen when you
9 say that he threw the knife?

10 THE WITNESS: He was down in the rotary
11 getting circled by the cops when he -- they were
12 telling --

13 THE COURT: So once he was down, was he
14 standing, seated, or lying down?

15 THE WITNESS: I don't remember if he
16 was -- if he had tripped or not. I think he was
17 trying to run.

18 I think he tried to throw the knife and
19 then run off.

20 THE COURT: So when you say "he tried to
21 throw the knife," did you actually see the knife
22 leave his hand?

23 THE WITNESS: Yeah. I saw the knife
24 leave his hand and fall on the ground --

25 THE COURT: Okay.

1 THE WITNESS: -- before he got shot. I
2 think that's what happened.

3 THE COURT: All right. Do you know where
4 the knife ended up?

5 THE WITNESS: On the ground.

6 I know that the -- he threw the knife
7 before the cops shot him.

8 THE COURT: Before the cops shot him?

9 THE WITNESS: Yeah.

10 THE COURT: All right. And when he threw
11 the knife, did it go far?

12 Did it go a distance, or was it just
13 right next to -- next to --

14 THE WITNESS: Right next to him
15 (inaudible) so...

16 THE COURT: Right next to him.

17 Did he drop the knife or did he throw the
18 knife?

19 THE WITNESS: He threw it, he threw it
20 for sure, but, like, it didn't go very far.

21 THE COURT: Who did it throw it at? Or
22 did he throw it at nobody?

23 THE WITNESS: The cop to the right of
24 him.

25 THE COURT: So he did throw it -- you say

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1 he threw the knife at a police officer?

2 THE WITNESS: Yes, yeah.

3 THE COURT: All right.

4 THE WITNESS: Because he admitted it.

5 Because I said the day before, he had
6 been talking about wanting to stab a police
7 officer with a knife. I think he really wanted
8 to.

9 THE COURT: Okay.

10 THE WITNESS: So --

11 THE COURT: All right. Anything on any
12 of that?

13 MR. VAN EPPS: No, I don't have anything
14 further.

15 MR. HEINEMAN: Nothing, your Honor.

16 MR. MCDONALD: No, your Honor.

17 THE COURT: Okay. Mr. Chang, thank you
18 very much.

19 (Witness excused.)

20 MR. VAN EPPS: Your Honor, I'm just going
21 to (inaudible) our next witness.

22 Your Honor, the Commonwealth calls James
23 Hanify.

24 THE COURT OFFICER: Stand right here.
25 Raise your right hand.

1 THE CLERK: Do you solemnly swear or
2 affirm the testimony you will provide the Court
3 today will be the truth so help you God?

4 THE WITNESS: Yes.

5 JAMES HANIFY, SWORN

6 THE COURT: Mr. Hanify, before we begin,
7 my name is Judge Brennan. I'm presiding over the
8 inquest here.

9 I can't order you not to tell people what
10 you're testifying to; but at some point I'm going
11 to be issuing a report as to what happened and
12 findings that I'm making, which is going to be
13 based upon the testimony of the witnesses, so
14 what I'd ask you to do is just hold off on
15 talking to anybody until you know that that
16 report's been issued. All right?

17 THE WITNESS: Okay.

18 EXAMINATION

19 BY MS. GEMMILL:

20 Q. Good morning, Mr. Hanify.

21 A. Good morning.

22 Q. Can you spell us your first and last name?

23 A. Yes, James Hanify.

24 Q. Can you spell your last name for us?

25 A. H-A-N-I-F-Y.

1 Q. How old are you, Mr. Hanify?

2 A. Forty-five.

3 Q. Can you tell us what your date of birth is?

4 A. 5/13/77.

5 Q. What town do you live in right now?

6 A. Woburn.

7 Q. How long have you been in the Woburn area?

8 A. Since six months.

9 Q. Six months.

10 Where were you living before you moved to
11 Woburn?

12 A. I was in an extended stay in -- let's see --
13 Waverley -- or in Watertown -- Watertown. And,
14 then, before that, Lexington.

15 Q. Okay. Were you living at a house in
16 Lexington?

17 A. No, I was living at a hotel in Lexington, and
18 then previous to that, I was at a house.

19 Q. All right.

20 A. So it's been hotel, hotel, and now Woburn
21 since I was living in Lexington, and that was
22 with Brendan.

23 Q. Gotcha.

24 Sir, do you remember having a conversation
25 with myself and Attorney Van Epps, Graham Van

1 Epps, the other day?

2 A. Yes. Thank you, yes.

3 Q. Yes. And during that conversation, did you
4 tell us a little bit about why you were living at
5 the house in Lexington with Brendan?

6 A. I -- I only said that I had nowhere to live
7 and I enrolled myself into Eliot Community
8 Services.

9 Q. Can you share with us a little bit about why
10 you work with Eliot?

11 A. Let's see -- well, I -- I had nowhere to
12 live.

13 I was a homeless guy kind of for a while,
14 and that works good, and I lived nice, and then,
15 eventually, I got enrolled with Eliot Community
16 Services, and that's easier -- I'm trying to
17 remember where they posted me.

18 I'm having trouble with that, remembering
19 that.

20 Q. Let me ask you another question, if I can.

21 Did we talk a little bit about your mental
22 health during that conversation?

23 A. No.

24 Q. Okay. Sir, do you take any medications
25 regularly?

1 A. Yes.

2 Q. And the medications that you take, does that
3 make it hard for you to understand anything that
4 we're doing here today?

5 A. No.

6 Q. Okay. And you heard the court officer and
7 the clerk swear you in earlier, right?

8 A. Yes.

9 Q. Okay. And you understand what it means to be
10 telling the truth at this proceeding today,
11 right?

12 A. Yes.

13 Q. Okay. Great.

14 So I want to talk to you a little bit
15 about your time when you were living with Brendan
16 at the house in Lexington.

17 Was that at 98 Hancock Street?

18 A. Yes.

19 Q. How long did you live at that house for?

20 A. Two years.

21 Q. Two years.

22 Did Brendan live there with you?

23 A. Yes.

24 Q. How long did he live there with you?

25 A. Same period of time.

1 Q. Okay. Was there ever a time that you were
2 living at the house that Brendan wasn't living at
3 the house prior to him passing away?

4 A. No.

5 Q. Okay. And we're talking about Brendan
6 Reilly; is that right?

7 A. Yes, miss.

8 Q. Did anybody else live at that house with you,
9 besides you and Brendan?

10 A. Yeah.

11 There was a couple roommates there,
12 dorm-mates; Jenna, a woman, nice, beautiful
13 woman, and then she left.

14 Then there was Johnny Chang -- or Johnny,
15 they call him.

16 Q. Johnny Chang?

17 A. Johnny, yeah.

18 I think you just met him.

19 Q. Do you remember how long Johnny lived at the
20 house with you?

21 A. It must have been four months. Maybe eight
22 months.

23 Q. Okay. Was he living at the house with you
24 and Brendan in February of 2022?

25 A. February?

1 Well, which month is that, according to
2 his death?

3 Q. So -- so the same month that Brendan passed
4 away, was Johnny living there with you?

5 A. Obviously, yes. Yes, he was.

6 Q. Was anybody else living at the house with you
7 and Johnny and Brendan during the month that
8 Brendan passed away?

9 A. No.

10 Q. Okay. Can you tell us a little bit about
11 what your relationship was like with Brendan,
12 like, how did the two of you get along?

13 A. Sure. We were pals.

14 We were -- we're kind of near the same age
15 group, and we both like -- we both like hip-hop,
16 rap music, gangster talk, I like to understand
17 and listen to.

18 And he offered a lot of kind of gangster
19 enthusiasm, and had hip-hop pouring out of his
20 room a lot, and we were just kind of -- kind of
21 providing nice to one another.

22 We were just kind of friends, you know.

23 Q. Would it be fair to say that you guys got
24 along pretty well?

25 A. Yes.

1 Q. Okay. Do you remember how Brendan was, how
2 he seemed, the day before he passed away?

3 Did anything unusual happen?

4 A. Well, he seemed riled up. Like I said, I
5 don't think he slept that night.

6 Q. Okay.

7 A. So he -- he was wound. He was -- he was
8 wound up.

9 Q. What makes you think that Brendan didn't
10 sleep the night before he passed away?

11 A. Because I went to bed very late; and he was
12 still active, very active.

13 I saw him -- his door open, shut, out of
14 the side of my vision here when I went to the
15 bathroom, and it was very late, and then he
16 played music all night.

17 And I woke up earlyish and then I saw him
18 again.

19 Q. Did that seem normal for how Brendan usually
20 was at nighttime?

21 A. No, no, it seemed pretty bad to me that he
22 had been awake because it seemed like he had been
23 complaining about his medicine the day earlier.

24 Q. Okay.

25 A. To answer your question, I think he was angry

1 about medicine, so -- so he stayed awake, and
2 who knows what that could have done to him
3 psychologically, I guess.

4 Q. Okay.

5 A. Delerium or fatigue, maybe. I don't know.
6 Maybe upset.

7 Q. Did Brendan ever talk to you about what kind
8 of medicine he needed, what he was using?

9 A. Not really.

10 Q. Okay. How do you know that he --

11 A. It looked like cocaine to me.

12 Q. Okay. How did you know that he was missing
13 medication?

14 Can you remember things that he was
15 saying, if anything?

16 A. Yeah.

17 I'm not sure what his discussion was with
18 the nurse but -- oh, about his missing
19 medication.

20 Q. Um-hum.

21 A. Well, he had somehow acquired some pills,
22 maybe -- maybe enough to feed a small platoon, I
23 don't know, and he had been yelling at Johnny,
24 Where's my pills? Where's my pills? So then I
25 knew he had lost his pills.

1 Q. All right. When was he yelling about the
2 pills to Johnny?

3 Was that the day that he died?

4 A. The morning.

5 Q. That morning?

6 A. Yeah.

7 Q. Okay. I'm going to ask you a couple
8 questions about how the house was set up.

9 It's a two-story house, right?

10 A. Yeah.

11 Q. Where were your bedrooms located?

12 A. They're on the second floor. Go up the
13 stairs, take a left, and there's a corridor.

14 And on this corridor there's two bedrooms
15 on the left, and there's one straight ahead.

16 Q. Okay. Where was your room?

17 A. My room's the second door on the corridor as
18 the two doors are on the left.

19 Q. How about Mr. Chang's room -- Johnny's room?

20 A. John's the first room.

21 Q. And where was Brendan's room?

22 A. Brendan's down the corridor at the end.

23 Q. Do you have -- did you have a window in your
24 room?

25 A. Yes, miss, yes. There's three.

1 Q. Three windows?

2 A. Yeah.

3 Q. Do you know if Johnny had windows in his
4 room?

5 A. Yes, he does, yes.

6 Q. Do you know where those windows looked out
7 onto?

8 Like, if you were in Johnny's room, what
9 could you see?

10 A. I guess the front yard, the driveway, the
11 sidewalk, the -- the street.

12 Q. Okay. Do you know if Brendan's room had any
13 windows?

14 A. Yes.

15 Q. What would his windows have faced out onto?

16 A. The side of the yard, the house next to us;
17 and I guess the door he owned had a window in it,
18 and it looked out back.

19 Q. Okay. Did the house have a backyard?

20 A. Yes, ma'am.

21 Q. Did you have any place that you usually kept,
22 like, your trash barrels outside the house?

23 A. Yeah. We keep them on the side of the steps
24 as you go out the back.

25 Q. Okay.

1 A. So they're in the driveway area.

2 Q. Okay. So if you were going out the back door
3 of the house, what side would you see the barrels
4 on?

5 A. Well, they're immediately on the right.

6 Q. Okay. Okay. So the -- so the morning of the
7 12th, the morning that Brendan passed away, tell
8 me -- tell me what you first remember noticing
9 about Brendan that morning.

10 A. I guess -- I guess I was right, he seemed
11 dysfunct, psychologically, he seemed a little
12 messy, he had welts on his eyes, messed up hair,
13 kind of un -- un -- untidy.

14 He was untidy from -- from living a day
15 awake, you know, and besides that, I guess that's
16 all I can say, kind of.

17 Q. Did he seem to look different to you from how
18 he normally looked?

19 A. Yeah. He was disheveled.

20 Q. Okay. Where were you and he when you saw him
21 first that morning?

22 A. I went downstairs and he was upstairs, and I
23 heard him banging on Johnny's door.

24 And I was in the kitchen. I actually went
25 outside, went out front, and that's -- that's

1 when I saw him more formally that day by the
2 trash barrels, yes.

3 Q. Okay. So you heard him first that day before
4 you actually saw him more clearly?

5 A. Yes.

6 Q. Okay. So tell us about what you heard when
7 you were in the kitchen.

8 You could hear Brendan banging on Johnny's
9 door.

10 Tell us about that.

11 A. I think I heard Johnny scream out the window,
12 Help, help, there's a madman trying to kill me.

13 I think he yelled that -- Johnny yelled
14 that.

15 And he yelled, You get out here, open this
16 door, open this door, what's the code. He wanted
17 to know the code to the door.

18 It was very kind of traumatic to think
19 that someone would ask for the code, banging on
20 the door, you know what I mean?

21 Q. Let me ask you a question about the code.

22 Did the doors to each of your rooms have,
23 like, a keypad with a code you could put in?

24 A. Yes, miss, yes.

25 Q. Okay. And was that so that you could, you

1 know, keep your own room locked?

2 A. Yes.

3 Q. Okay. Was it normal for you guys to share
4 the codes with each other?

5 A. No.

6 Q. All right. So, as far as you know, did
7 Brendan have the code to Johnny's room?

8 A. No, I don't know.

9 Q. All right.

10 A. I don't think so --

11 Q. Okay.

12 A. -- because he couldn't get in, and he really
13 wanted to.

14 Q. What makes you say he really wanted to get
15 into the room?

16 A. He kept banging on the door screaming to
17 Johnny, Where's my pills, where's my pills. You
18 get out here.

19 Give me the code to the door, bang bang,
20 bang, bang.

21 Johnny, open the door, bang, bang, bang,
22 bang.

23 Johnny, come here, open the door, open the
24 door.

25 What's the code, Johnny, to the door.

1 Tell me now, Johnny, tell me now. Don't make me
2 do anything irrational, Johnny. Bang, bang,
3 bang, bang.

4 Q. Did you see --

5 A. So he kind of lost it, Brendan lost it at
6 Johnny's door.

7 Q. Did you see Brendan in front of Johnny's door
8 or could you just hear what was going on?

9 A. I could just hear what's going on.

10 Q. All right. Do you remember hearing Brendan
11 saying anything else or threatening Johnny in any
12 way at that point?

13 A. No, that's all I can remember.

14 Q. Do you remember hearing Brendan saying
15 anything about having a knife?

16 A. No, I don't remember anything.

17 Q. Okay. In the time that you lived with
18 Brendan, did you ever see him with a knife or a
19 weapon of any kind?

20 A. Yes, yes. I saw him with a knife, and a
21 screwdriver a lot.

22 Q. Can you --

23 A. He had a screwdriver in his hand, like that,
24 waving it around.

25 Q. When was that?

1 A. A couple weeks earlier.

2 Q. Okay.

3 A. And a couple weeks earlier than that.

4 Q. Do you remember if he was saying anything
5 when he was waving the screwdriver around?

6 A. No. He just wanted something maybe from me,
7 wanted money or -- I don't know.

8 Q. Okay.

9 A. He was bothering me.

10 Q. When else did you see him with a knife; do
11 you remember?

12 A. No.

13 Q. Okay.

14 A. No, I can't.

15 Q. Do you remember if Brendan ever tried to talk
16 about having the knife?

17 A. He talked about guns.

18 Q. He talked about guns?

19 A. I guess he likes guns, but -- no, not really.

20 Q. Okay. So you're in the kitchen; you're
21 hearing Brendan at the door for Johnny's room.

22 Tell us what you see happened next.

23 A. Johnny's screaming out the front window, Hey,
24 come help me. There was some guy that was
25 walking by.

1 Q. Did you see a guy walking by?

2 A. Yeah.

3 Q. Okay. And where were you when you saw the
4 man who was walking by?

5 A. On the front porch.

6 Q. Okay. Do you remember why you went outside?

7 A. Smoke a cigarette.

8 Q. All right. So you see a man walking by; you
9 hear Johnny in the window.

10 Can you see Johnny in the window from
11 where you were?

12 A. No.

13 Q. All right. What do you see happen next?

14 A. Well, I think I -- I think this guy went
15 rushing off and was using a phone to call the
16 police, and I was somewhat gratified by that.

17 Q. Okay.

18 A. So --

19 Q. You saw the man who -- who had been outside
20 calling -- calling police, you think?

21 A. Yes.

22 Q. Okay. Could you see Brendan?

23 A. No.

24 Q. Okay. At some point while you were outside
25 to smoke your cigarette, did you see Brendan

1 again?

2 A. Yes.

3 Q. Can you describe what you saw him do?

4 A. Yeah. I saw him hang a knife around like
5 this, in his hand, and sort of whittle on these
6 trash barrels, these plastic trash barrels.

7 He was leaning up against them.

8 Q. Okay. Were those the trash barrels that you
9 were talking to us about being behind your house?

10 A. Yes.

11 Q. All right. Did you see how Brendan got
12 outside?

13 Like, did you see him come outside?

14 A. No.

15 Q. Okay. Can you describe to us what he was
16 doing by the trash barrels?

17 A. No. That's -- that was a question I had,
18 what -- what is he doing there, kind of with his
19 feet in the dirt, kind of muddy, dirt there,
20 bending the trash barrels in half.

21 I'm not sure.

22 Q. Did it seem like he was -- he was sitting on
23 those barrels?

24 Like --

25 A. Yes.

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1 Q. -- what was he doing with the barrels?

2 A. Yeah. He was kind of leaning on them,
3 sitting on them, kind of.

4 Q. Okay. Did he have anything in his hands?

5 A. Yeah.

6 Q. You might have told us this.

7 A. Yeah. He had a knife.

8 Q. What did you see?

9 A. A Smith & Wesson knife. This long pointed
10 knife, silver.

11 Q. Okay. It looked like a Smith & Wesson knife
12 to you?

13 A. Yeah. Silver there.

14 Q. All right. Do you remember what hand he was
15 holding that with?

16 A. Jeez, good question. His left hand.

17 Q. It was his left hand?

18 A. Yeah.

19 Q. Okay. Could you hear Brendan saying anything
20 at that point, like, when you first see him by
21 the trash barrels with the knife?

22 A. Get out of here, something (indiscernible),
23 and he said it to the police.

24 Q. So at what point -- you saw the guy outside
25 who called police.

1 Did the police actually come?

2 A. Yes.

3 Q. All right. Did you see how many police came
4 to the house at first?

5 A. Yes, two.

6 Q. Two? Where did you see them go?

7 A. To the driveway.

8 Q. Okay. Did they interact with Brendan at all?

9 A. Yes.

10 Q. Can you describe for us what you saw those
11 police officers do first while you're still by
12 the house.

13 A. Sure. I saw him took out his gun. One had
14 his gun out. Then the next guy was trying to get
15 his gun out, trying to get his gun out, and got
16 his gun out, pointed it at him, two cops asked
17 him -- because one was out of (indiscernible)
18 that had the gun out, pointed at him.

19 Q. Can you tell us what that gun looked like,
20 like how big it was?

21 A. It was like a 45.

22 Q. Okay. Did it look like a handgun --

23 A. Yeah.

24 Q. -- or, like, a longer gun?

25 A. It was like a handgun.

1 Q. Okay. Did the police officer say anything to
2 Brendan?

3 A. Yeah, Put it down, put it down, put the knife
4 down.

5 Q. Could you hear if Brendan said anything back
6 to those officers?

7 A. No.

8 Q. So you have two police officers who come,
9 they're in the driveway area, and Brendan's by
10 the trash cans, right?

11 A. Um-hum.

12 Q. Okay. What happens next?

13 Like, does Brendan stay in that spot or --

14 A. No.

15 Q. -- does something else happen?

16 A. He fled. He -- he took -- he went on foot
17 and jumped, passed them, down the driveway, in
18 his sneakers, running, holding his knife.

19 Q. Okay. Was he running -- could you tell where
20 he was running to?

21 A. No. He just was going to leave the property.

22 Q. Okay.

23 A. And -- and run -- kind of crosscut the
24 rotary.

25 Q. Right.

1 A. It looked like.

2 Q. So, like, he was running across the rotary
3 that's in front of your house?

4 A. Yes.

5 Q. Could you hear him saying anything while he
6 was running?

7 A. Well, he started in on his preaching about
8 the mob.

9 Q. Tell us about that. What did you hear him
10 say?

11 A. He said, I'm the mob. I'm the mob. I'm a
12 gangster, I'm the mob. So he -- he said -- he
13 was saying for real that he was the mob.

14 Q. Okay. He was saying that while he was
15 running?

16 A. Yes, ma'am.

17 Q. Okay. How -- did you see where Brendan went?
18 Like, how far did he get?

19 A. He may have gone 400 feet maybe. It looked
20 like he slammed the ground, on the concrete,
21 because his shoes was untied and stuff.

22 Q. Okay did --

23 A. The cops was arriving there, you could see
24 them with their guns that moved into some sort of
25 position on him.

1 And then he got up, and he tried tripping
2 across the concrete more.

3 The cops came near him, he swung his knife
4 around, he swung it at them near the chest.

5 And then he hit the ground again, he hit
6 the concrete.

7 Q. You were just making a motion with your hand,
8 your right hand --

9 A. Yeah, yeah.

10 Q. -- where you were kind of like waving your
11 hand back and forth.

12 A. I think it was in his right hand, I think.

13 Q. Okay. So is that the motion that you were
14 seeing Brendan making with the knife, with his
15 right hand?

16 A. Yeah. Big swings, like this. Big swings.

17 Q. Okay. So the first time you saw him, I think
18 you said, hit the concrete, did Brendan fall --

19 A. Yes.

20 Q. -- while he was running?

21 A. He slipped and fell.

22 Q. Okay. And it looked to you like it was a
23 slip?

24 A. Yeah.

25 Q. Could you hear the police officers saying

1 anything to him while he was running that -- that
2 first time?

3 A. No. I think, Put the knife down was the
4 phrase they used to --

5 Q. Did you hear any other noises at that point
6 that -- that didn't sound like words or voices?

7 A. No, just the gunshots.

8 Q. Okay. How many times did you hear gunshots
9 that day?

10 A. I figure eight.

11 Q. All right.

12 A. Nine, maybe ten.

13 Q. Did you hear more than one kind of sound, or
14 did all the shots sound, like, the same to you?

15 A. Oh, they sounded the same, the gun.

16 Q. All right.

17 A. Yeah.

18 Q. Do you remember what Brendan was doing the
19 first time you heard the shots?

20 A. He was on the ground. It looked like they
21 busted him in the chest with the gun --

22 Q. Okay.

23 A. -- a number of times. And he -- he wouldn't
24 surrender.

25 Q. Okay.

1 A. He still had a knife and he was on the
2 ground.

3 Q. Okay.

4 A. And. Finally, it was really dramatic, it
5 was, the guns keep -- keep firing, pop, pop, pop,
6 pop, pop.

7 And then he -- he looked like he was going
8 to die, and he threw the knife and fell down on
9 the ground like that and surrender --

10 Q. Okay.

11 A. -- in some sort of surrender.

12 Q. You were just describing to us the first set
13 of pops.

14 You kind of were holding your hands, like
15 in a -- in a, like, a rifle shape?

16 A. Yeah.

17 Q. Is that the kind of gun you were seeing at
18 first?

19 A. Yeah.

20 It looked like a shotgun, and it had
21 orange on it.

22 Q. How many of those guns did you see?

23 A. I see maybe -- maybe eight.

24 Q. Eight of those guns?

25 A. Yeah.

1 Q. Okay. Did it look like all the police
2 officers had a gun like that or just some of
3 them?

4 A. I guess just some.

5 The guys in front, they walked out in
6 front, like, five of them, six of them maybe.

7 Q. Okay. So Brendan fell.

8 You said that he was on the ground at some
9 point when they're -- when you're hearing the
10 pops and that he's not surrendering.

11 Can you describe to us what he was doing
12 during that time?

13 A. That's when he said, I'm the mob. He had
14 just yelled that he was. And that was all he
15 said.

16 I mean --

17 Q. Okay.

18 A. -- it looked like he was stone cold out of
19 it, definitely.

20 Q. Okay.

21 A. I mean --

22 Q. He still looked to you at that point
23 different from how he usually was when you were
24 with him?

25 A. After all that gunshot and final falling on

1 the concrete, I don't think he had much
2 constitution left.

3 Q. Okay. You said that he was down on the
4 ground.

5 Did you ever see him stand back up?

6 A. No, ma'am.

7 Q. Did you ever see him trying to -- was he
8 trying to move around at all, or was he just
9 staying on the ground?

10 A. I can't tell. I can't remember if he
11 was -- if he maybe at first was writhing a
12 little.

13 Q. I think one of the things you told us was
14 that you saw him running or charging.

15 Can you describe what you saw?

16 A. I remember him kicking through the dirt with
17 the knife in his hand with his sneakers onto the
18 street and that was basically -- basically the
19 whole night.

20 I mean, I didn't really -- it was -- it
21 didn't take long for the -- the sequence of those
22 events.

23 And -- I mean, once the police had gotten
24 there, it was just, I don't know, 30 seconds --

25 Q. Okay.

1 A. -- of mayhem. Like I said, it was like he
2 was at war.

3 Q. It was like he was at war?

4 A. It was like he -- yes.

5 Q. What did --

6 A. There's no distinction about the environment,
7 or the enemy, or his confluence with everyone --
8 I don't know -- but he was just at large, you
9 could say, raging.

10 Q. Okay.

11 A. Yeah.

12 Q. What was Brendan doing before that last time
13 when he -- when he finally fell back and stopped
14 moving?

15 Do you remember what happened right before
16 that?

17 A. I don't.

18 Oh, right before that.

19 Q. Yeah, right before that.

20 A. Yeah. Well, the last thing he yelled was,
21 I'm the mob.

22 Q. Okay.

23 A. And then pop, pop, they shot him.

24 Q. Okay.

25 A. With the nonviolent lethal weapon.

1 Q. All right. I think I heard you say that he
2 threw the knife at some point.

3 Can you describe to us what you were
4 seeing?

5 A. I saw him surrender the knife and his
6 conduct, because he fell down onto the ground;
7 but right previous to that, when he was sitting
8 up on his butt and wavering, he whipped the knife
9 out of his hands.

10 Q. Okay. He whipped it out of his hands?

11 A. Yeah.

12 Q. Did it look like he was dropping the knife or
13 throwing the knife?

14 How would you describe that?

15 A. He was throwing it, yeah. He threw it away.

16 Q. Okay. Where did he throw it to?

17 A. It looked like the rotary.

18 Q. Okay.

19 A. It looked like it could have landed on
20 even -- even five feet off the rotary.

21 Q. Okay.

22 A. Just it's a turnaround to (indiscernible),
23 type of grass outlet.

24 Q. Okay.

25 A. It sounds very big. They call it a rotary,

1 and a rotary's a highway, you know, but that's
2 not quite a -- this is a little field of grass
3 they got there in Lexington.

4 Q. Yeah. Like a little patch of grass
5 surrounded by a circular road --

6 A. Yes.

7 Q. -- with lots of other little roads?

8 A. Yes, miss, yes.

9 Q. Okay. The direction that he threw the knife,
10 was that towards other people or just away?

11 A. Away.

12 Q. Okay.

13 A. I'm trying -- I'm trying to help and I -- and
14 I wonder if you want to know if he had died at
15 that time.

16 I'm not sure. I don't know.

17 Q. Okay. Can you tell us what Brendan was doing
18 in the moments right before he was shot that last
19 time?

20 A. He was aggravated. He was agitated. He was
21 threatening, and he looked like a -- he looked
22 like a crazed Indian, like that, swinging his arm
23 back and forth at the police, trying to mobilize
24 himself across those two streets --

25 Q. Okay.

1 A. -- for some reason.

2 Q. All right. And so that's what was happening
3 right before the last set of shots?

4 A. Yes.

5 Q. Okay. Mr. Hanify, we talked a little bit
6 earlier today about you take some medications.

7 A. Mmm.

8 Q. Would you be able to tell Judge Brennan what
9 your medications are?

10 A. Sure.

11 Wellbutrin, met formula (phonetic), and
12 I'm taking a cholesterol pill. The doctor said I
13 had high cholesterol, and I take a half a
14 Klonopin at night.

15 Q. Okay.

16 A. And aprosium (phonetic) -- aprosium at night,
17 and (indiscernible) pill. It's called zegrimum
18 (phonetic).

19 Q. What are those pills supposed to help with,
20 like, what are those for?

21 A. ADD, schizoaffective bipolar.

22 Q. Schizoaffective bipolar?

23 A. Um-hum.

24 Q. Do you -- is there anything about your -- can
25 you tell us what some of the symptoms are of your

1 schizoaffective disorder?

2 A. Sure. Disorganized, tired, unmotivated.

3 That's basically it.

4 Q. Does it --

5 A. Chronic fatigue.

6 Q. Does it affect your memory at all?

7 A. No.

8 Q. Okay. Does it affect any point your ability
9 to sort of understand what's happening in front
10 of you?

11 A. No.

12 Q. Okay. Are you clearheaded today while you're
13 talking to us?

14 A. Yes, ma'am.

15 Q. Okay. Thank you.

16 MS. GEMMILL: Thank you, Mr. Hanify.

17 I don't --

18 THE WITNESS: Sure.

19 MS. GEMMILL: -- any more questions for
20 you. Some other folks might.

21 THE COURT: Mr. McDonald?

22 Oh, hold on one second, sir.

23 Give me a couple minutes.

24 Do you have any questions?

25 MR. MCDONALD: Just a couple, if I may.

1 THE COURT: All right.

2 EXAMINATION

3 BY MR. MCDONALD:

4 Q. Mr. Hanify, have you discussed your testimony
5 here today with Johnny Chang at all or --

6 A. No.

7 Q. -- in exchange (indiscernible) of what
8 happened?

9 A. No. (Indiscernible) said not to talk about
10 it.

11 Q. Okay. Did you have an interview by the State
12 Police prior to -- shortly after the incident?

13 A. Yes.

14 Q. And let me read a sentence to you and see if
15 that refreshes your memory.

16 It says, Hanify advised that there was a
17 standoff in the street between officers and
18 Reilly.

19 Hanify could not observe anything further
20 due to the distance between him and the apparent
21 standoff.

22 Does that refresh your recollection about
23 what you actually saw at the time of the
24 shooting?

25 A. I did at last.

1 I was -- I was -- I was never allowed to
2 go to the shop, and it didn't seem like my
3 business. An ambulance had arrived there.

4 Q. And I'm talking before the shooting, you said
5 the officer reported that you told him it was a
6 standoff, which means the police weren't leaving
7 and Brendan wasn't leaving, correct?

8 A. Yes, sir, yes.

9 Q. And then you said that you didn't observe
10 anything after that, you went in the house and
11 heard shots?

12 A. No, no. I was in the yard. I heard the
13 shots. I saw him fall.

14 I believe -- I believe there was someone
15 on a stretcher. And I left.

16 Q. Okay. But immediately before the shooting,
17 the last thing you saw was a standoff, or did you
18 see something else?

19 A. No, you're right. I did see that. It was
20 him with -- right.

21 MR. MCDONALD: That's all I have.

22 Thank you.

23 THE COURT: Mr. Heineman?

24 EXAMINATION

25 BY MR. HEINEMAN:

1 Q. Good morning, Mr. Hanify.

2 A. Morning.

3 Q. I just want to try to get some -- some things
4 in order in time, if I could --

5 A. Um-hum.

6 Q. -- because I was a little confused.

7 First of all, you used a phrase when you
8 were talking about the shotgun -- I think you
9 called it a nonviolent lethal weapon.

10 Where'd you learn that phrase from?

11 A. I don't know.

12 Q. Okay.

13 A. I just know that it's -- it had a fluorescent
14 orange on it, so maybe -- maybe my friend's -- my
15 (indiscernible) BB gun. I don't know.

16 Q. Okay. But you saw some of those -- some of
17 the police officers with those shotguns with the
18 orange, right?

19 A. Yes.

20 Q. And can you estimate for us how many times
21 you heard those guns fired that day?

22 A. Yeah, fifteen.

23 Q. And earlier when you told us that Brendan was
24 on the ground at times while he was being shot,
25 was Brendan actually on the ground being shot by

1 those shotguns?

2 A. Yes.

3 Q. How many times did you see Brendan be shot by
4 those orange shotguns while he was on the ground?

5 A. I must have heard it go off six. I couldn't
6 really tell that he was getting hit.

7 Q. Um-hum.

8 A. It didn't cause blood.

9 I don't know if it was a sandbag or what
10 it is, but he -- maybe -- that was the big part
11 of the gun, six.

12 Q. And then at the end, right at the very end,
13 before the ambulances came, did you hear a
14 different sounding gunshot?

15 A. No.

16 Q. Okay. Again, just for order of things, you
17 mentioned that you saw or heard the last shot and
18 you also told us about Brendan throwing the knife
19 away.

20 A. Um-hum.

21 Q. Which of those happened first?

22 In other words, was the knife thrown
23 before the last shot or after the last shot?

24 A. After.

25 Or -- you know, I can't remember.

1 Q. Okay. That's fine. That's --

2 A. I'm pretty -- I'm pretty sure it was -- it
3 was -- it became past 15 once he hit the ground,
4 and right prior to that, he threw the knife.

5 Q. How many times did you see Brendan fall out
6 in the street that day?

7 A. Twice.

8 Q. Was one time closer to the rotary and then
9 once a little farther away?

10 A. Yeah. It was -- yeah.

11 Q. Okay. And the first time you heard Brendan
12 fall, or saw Brendan fall, had you heard any of
13 those shotgun shots yet?

14 A. No.

15 Q. And then, after Brendan fell, was when the
16 shotgun shots started?

17 A. When he got up, I think they started pecking
18 at him.

19 Q. And then Brendan went down a second time?

20 A. Yes.

21 Q. And, while he was down the second time, did
22 they continue to shoot while he was down on the
23 ground?

24 A. Yes, sir, yes.

25 MR. HEINEMAN: Thank you, Mr. Hanify.

1 That's all the questions I have.

2 THE COURT: Anything on that?

3 MR. VAN EPPS: Just a second.

4 MS. GEMMILL: Nothing further, your
5 Honor.

6 THE COURT: Mr. Hanify, thank you very
7 much.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 MR. HEINEMAN: Your Honor, can we perhaps
11 do a quick restroom break?

12 THE COURT: That's fine.

13 Why don't we take five, ten minutes?

14 MR. HEINEMAN: Sure.

15 THE COURT OFFICER: All rise.

16 Court will be in a brief recess.

17 (11:39 a.m. court in recess.)

18 (11:49 a.m. court resumes.)

19 THE COURT OFFICER: You may be seated.

20 Court is in session.

21 MR. VAN EPPS: Your Honor, before we call
22 the next witness, I'm going to offer, and I'm
23 showing (inaudible), but I'm going to offer the
24 interview reports that were on cases referenced
25 in prior testimony --

1 THE COURT: All right.

2 MR. VAN EPPS: -- of the witnesses, Ms.
3 Hine, Mr. Chang, and Mr. Hanify.

4 And I know the Court's already reviewed
5 them because they were filed with the clerk --

6 THE COURT: Yes.

7 MR. VAN EPPS: -- and I would ask that
8 they be marked as Exhibits 2, 3, and 4.

9 THE CLERK: Hine No. 2; Chang three;
10 Hanify four.

11 (Exhibit No. 2, Interview Report of
12 Ms. Hine, received into evidence.)

13 (Exhibit No. 3, Interview Report of
14 Mr. Chang, received into evidence.)

15 (Exhibit No. 4, Interview Report of
16 Mr. Hanify, received into evidence.)

17 MR. VAN EPPS: And the next witness is
18 Tal Dinnar.

19 THE COURT OFFICER: Right this way,
20 please.

21 Stop here, and face the clerk, and raise
22 your right hand, please.

23 THE CLERK: Do you solemnly swear or
24 affirm that the testimony you will provide for
25 this Court will be the truth so help you God?

IMPOUNDED TRANSCRIPT

1-100

1 THE WITNESS: (Inaudible.)

2 TAL DINNAR, SWORN

3 THE COURT OFFICER: Right this way,
4 please. Right over here.

5 Just watch your step going over here.
6 Try and sit as close as you can (inaudible).

7 THE COURT: Careful. Ma'am, is it Dinnar
8 or --

9 THE WITNESS: Dinnar.

10 THE COURT: Dinnar.

11 THE WITNESS: Yes.

12 THE COURT: My name's Judge Brennan. I'm
13 presiding over the inquest. Two things.

14 I saw when you came in you were wearing a
15 mask. If you want to continue to wear it, that's
16 totally fine.

17 THE WITNESS: Okay.

18 THE COURT: Secondly, I can't order you
19 not to talk about your testimony with anyone, but
20 at some point following the inquest I'm going to
21 produce a report that's going to be published --
22 at least to the parties here, it's not for
23 general publication -- but I'd just ask if you
24 could not discuss your testimony until that's
25 been released. Okay?

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EXAMINATION

BY MR. VAN EPPS:

Q. Good morning, ma'am.

A. Good morning.

Q. Would you give us your name and would you spell your full name for our transcript?

A. Tal Dinnar, T-A-L, and last name Dinnar. D-I-N-N-A-R.

Q. And, ma'am, where do you live?

A. Lexington, 95 Simonds Road.

Q. Okay. How far is that from the -- the rotary where Blake and Burlington meet Hancock and North Hancock?

A. Five minutes's walk.

Q. Five-minute walk? Okay.

How long have you lived in Lexington?

A. Twenty years.

Q. Okay. Always at that address or a different address?

A. Different address, but we live in that address for 18 years.

Q. Eighteen years, okay.

And are you married?

A. Yes.

Q. Okay. And you mentioned it's about a

1 five-minute walk from the rotary.

2 Does that mean you're familiar with that
3 area from walking there a lot?

4 A. Yes. That's our regular route.

5 Q. Okay. And are you employed, ma'am?

6 A. Right now I'm self-employed.

7 Q. What do you do?

8 A. Well, I am project manager and I'm a UX
9 designer.

10 Q. UX designer?

11 A. It's user experience designer.

12 Q. So that's for computer software, something
13 like that?

14 A. Yeah, something like that.

15 Q. Okay. I want to ask you some questions about
16 February 12th of this year.

17 Did you go out for a walk around 12:30
18 p.m. that day?

19 A. Yes.

20 Q. Okay. How do you get to the rotary from
21 where you were?

22 How would you get there?

23 A. We live on the corner of Simonds and Blake.

24 Q. Okay.

25 A. So we go down Blake Road, which connects from

1 the northwest to the rotary.

2 Q. Okay. Is that what you did that day?

3 A. Yes.

4 Q. Okay. And were you with your husband?

5 A. Yes.

6 Q. Okay. As you're approaching the rotary, were
7 you able to hear anything that drew your
8 attention?

9 A. We stopped because we heard something. We
10 stopped at -- near 16 Blake.

11 Q. Okay.

12 A. And then we saw a man crossing the rotary
13 from west to east.

14 Q. Okay. Had you heard anything unusual as you
15 were approaching the rotary?

16 A. No.

17 Q. Okay. The person approaching the rotary,
18 tell me about that person.

19 A. So we -- I was not able to see details, I saw
20 him running, and nothing unusual, and then he
21 fell on the road between the rotary and the
22 sidewalk, on the east side.

23 Q. Okay. This man that was running.

24 Can you describe anything about his
25 appearance?

1 A. He was kind of tall, I think more than
2 average.

3 I cannot say any more details at that
4 point when I first saw him.

5 Q. Okay. Okay.

6 A. Then --

7 Q. But you kept watching, it sounds like?

8 A. I what?

9 Q. It sounds like you kept watching or you
10 kept --

11 A. Yes, oh, yes.

12 We stood -- we stood right there next to
13 16 Blake and we watched the -- the scene, what
14 was happening after that.

15 Q. Okay. And what -- so the man running into
16 the rotary falls.

17 What about that led you to stop with your
18 husband?

19 A. Oh, that there were -- oh, just that
20 something is going on, maybe noises or -- and it
21 was unusual that, I mean, crossing from the
22 rotary, because it's not a place where people
23 normally walk, so...

24 Q. And when you describe the man running, are
25 you describing somebody running like they're

1 jogging or --

2 A. No.

3 Q. -- somebody, like, running away from
4 something?

5 A. No, it was, like, definitely someone is
6 running away from something.

7 Q. Were there any other people that you could
8 see behind that man that came into view?

9 A. Not at the first moment, but when he fell,
10 there was a bunch of, like, I would say five
11 policemen running after him and standing --
12 eventually on the sidewalk, between the road
13 leading to the school and Burlington Road, so it
14 was the side, the east side of the rotary.

15 Q. Okay. And is that sort of before the road
16 that takes you to the middle school?

17 A. It's between the road taking to the middle
18 school north and to -- to the Burlington Road.

19 It's a very tiny, very -- yeah, I can show
20 you exactly.

21 Q. I'm going -- I'm going to just show you --
22 I'm just going to show you a map now.

23 What I'd like you to do, I'm just going to
24 give you a marker.

25 If you could -- first of all, does that

1 appear to be a Google Earth map or a Google map?

2 A. Yes.

3 Q. Based out of the way it --

4 A. Okay. Here's Blake. This is north. This
5 is the rotary, Hancock -- I'm looking for the
6 tiny -- it must be this one, going to the school,
7 so they were standing right here. He fell right
8 here.

9 Q. So why don't you -- let's -- I'm going to
10 give you a marker.

11 A. Yup.

12 Q. Why don't you write your initials where you
13 were standing first.

14 A. Okay. It's not --

15 Q. If you can see it on the map.

16 A. -- but it's close, No. 16.

17 Q. Okay.

18 A. Next to No. 16.

19 So we were able to see from here, okay?

20 Q. Can you make -- why don't you make an M for
21 where the man --

22 A. Fell?

23 Q. -- ended up with the police?

24 A. Okay. Here is a man and here are the police.

25 Q. Okay. And can you --

1 A. Police. Police, man.

2 Q. All right. That's what I was going to ask
3 you, you wrote police.

4 MR. VAN EPPS: And I'm just going to ask
5 this be offered as the next exhibit (inaudible).

6 THE COURT: Exhibit 5.

7 (Exhibit No. 5, Map, received into
8 evidence.)

9 MR. VAN EPPS: Thank you.

10 BY MR. VAN EPPS:

11 Q. All right. So -- actually, I'm going to turn
12 it (inaudible). Sorry. I'm going to turn it
13 like that.

14 THE COURT: Um-hum.

15 BY MR. VAN EPPS:

16 Q. Okay. So you've -- you've indicated in the
17 top left, you drew a little arrow indicating
18 that's where you were --

19 A. Close, close to where we were.

20 Q. -- (inaudible) from? Okay.

21 And you're looking down between the curb
22 marking and the kind of straight black marking
23 that you drew?

24 A. Correct.

25 Q. That's your -- kind of your line of sight?

1 A. Um-hum.

2 Q. And the M in the middle of the rotary is the
3 man that was running and fell?

4 A. Correct.

5 Q. And the officers ended up in this kind of arc
6 shape that you just --

7 A. Correct.

8 Q. Okay. I just wanted to make sure I
9 understood how you marked it up.

10 A. Um-hum.

11 Q. Okay. Now, so what happens after -- you're
12 now watching this.

13 What can you hear?

14 A. So we heard -- during this event --

15 Q. Um-hum.

16 A. -- we heard two main voices coming out from
17 the police --

18 Q. Okay.

19 A. -- men.

20 Q. You could distinguish different voices?

21 A. Two different voices.

22 One was very calm, coming from a policeman
23 on the right.

24 Q. Okay.

25 A. And saying thing -- you want me to say

1 what --

2 Q. Please.

3 A. Yeah.

4 So this policeman said, Brendan -- and
5 this is how we -- we learn what was probably the
6 man's name -- Brendan, it's going to be okay. We
7 are here to help you. We will call an ambulance.
8 It will be okay, don't worry, but we need you to
9 drop off your knife.

10 And he kept on saying things like that in
11 a very calm and -- and reassuring voice.

12 A policeman on the left --

13 Q. Okay.

14 A. -- he constantly in a very, like, hectic
15 voice said, Drop the knife; drop the knife; drop
16 the knife.

17 Q. Okay.

18 A. In a very scary way.

19 Q. (Indiscernible.)

20 A. So there were these two voices coming --
21 coming out from the policemen.

22 Q. So -- so you have two voices, one that is --
23 is calmer than the other, the other one for --
24 giving instructions, as opposed to --

25 A. In a very scary way, actually.

1 Q. Okay. Did that voice seem stressed?

2 A. Yes, yes.

3 Q. Okay.

4 A. Yes.

5 Q. Tell me, if you can, could you observe what
6 the police were holding, if they were holding
7 anything?

8 A. As far as I remember now, they were holding
9 something. I could not tell what it was. I saw
10 the man holding something in his hand --

11 Q. Okay.

12 A. -- and waving with it.

13 Q. You're gesturing with your right hand.

14 A. Yes.

15 Q. Could you see what that thing was?

16 A. I -- I think it was his right. I'm not sure
17 about that.

18 Q. Understandable.

19 But you gestured with your right hand, and
20 you sort of waved it above your head a little
21 bit.

22 Could you see what was in that hand?

23 A. No, no.

24 Q. Okay.

25 A. There was something in the hand. I cannot

1 say what it was.

2 Q. Okay. And as they're addressing him, the
3 police (inaudible), as they're addressing
4 Brendan, are they giving him instructions about
5 anything he's holding?

6 A. As I mentioned, there was, Drop off the
7 knife.

8 Q. Okay. And was this once or more than once or
9 many times or what?

10 A. Many times.

11 Q. Okay.

12 A. And I heard some kind of (indiscernible)
13 coming from him. I was not able to understand
14 what he was saying.

15 Q. Okay.

16 A. He was, like, half -- faced to us, so I
17 couldn't --

18 Q. You couldn't make out the responses?

19 A. I could not hear what he said.

20 Q. Okay. Putting aside words, could you
21 describe for us the tone or the volume or
22 anything about what was coming out of his mouth?

23 A. Not really.

24 Q. Okay. So after this man fell, and the police
25 potentially catch up, what's the position of

1 the -- Brendan -- Brendan?

2 A. He was --

3 Q. What was the position of the man?

4 A. He was at the same place where I drew him,
5 and most of the time on his back, really, like,
6 you know, like, moving around a small area.

7 Q. Okay. Moving around -- he's on -- he's on
8 his back side, meaning his butt, is he -- is he
9 moving around, like, I'm trying to find -- if you
10 could describe how he's moving around.

11 A. You want me to demonstrate?

12 Q. No, no.

13 A. He was on the ground, but -- but moving,
14 like, because he was waving with -- with the
15 knife, so he was moving around, but -- but not,
16 like, trying to run around, okay, he was -- he
17 was most of the time.

18 Q. All right. So as they're giving him
19 instructions for what -- for the item he's
20 holding, you had, again, you had gestured sort of
21 with your hand with sort of waving it, is that
22 something that you saw him motion like that once,
23 more than once, many times?

24 A. Many times.

25 Q. Okay.

1 A. Yeah.

2 Q. And could you get a sense -- could you
3 describe for us the distance between the man on
4 the ground and the officers that were talking to
5 him?

6 A. You could see it right there. I mean, you
7 see where he was standing and the policemen were
8 standing on the sidewalk, so, you know, it was,
9 like -- it's difficult for me to -- to say, to
10 estimate.

11 Q. Could you estimate using items in this room?

12 A. I mean, you can measure on -- on there. I
13 mean, it was, like, maybe -- maybe a little bit
14 behind you, the man was, Brendan was, and the
15 policemen were here, like, and it wasn't, like,
16 an immediate contact, if that's what you're
17 looking for.

18 Q. There was a little bit of distance?

19 A. There was a distance, definitely a distance.

20 THE COURT: Just for the record, I don't
21 know if everybody can agree, but I would say
22 somewhere -- I'm basing this on foul shot,
23 somewhere around 15 feet, 15, 20 feet?

24 MR. VAN EPPS: Give or take.

25 THE COURT: Give or take.

1 So basically from, I guess what she's
2 describing. Is somewhere around the railing in
3 this room to the judge's bench.

4 MR. VAN EPPS: Correct. In Courtroom 2
5 of this court.

6 THE COURT: Yup.

7 BY MR. VAN EPPS:

8 Q. So you're watching -- is there any point at
9 which you can see that the man did whatever the
10 police were asking him to do so that they stopped
11 giving him instructions?

12 A. No.

13 Q. So tell me what you observed after that.

14 A. So it lasted for long time. It lasted for, I
15 would say, for 15 minutes, during which they shot
16 him with what we understood later from the police
17 with, like, a bean bag.

18 Q. Um-hum.

19 A. They told us that's what they do, because we
20 heard the shot and -- and then he fell -- he fell
21 back whenever it happened.

22 It happened probably twice, as far as I
23 can tell.

24 Q. Okay. So you would hear those shots?

25 A. Yes.

1 Q. You'd see some kind of physical movement
2 on -- after the shot?

3 Would the instructions and whatever he was
4 saying continue after that?

5 A. Yes.

6 Q. Okay. All right. So what happened after
7 that?

8 Can you -- before we get to that, can you
9 describe, if you can, anything about the man's
10 demeanor, in terms of the way he communicated and
11 the way he was (indiscernible) his instructions
12 or anything about his demeanor at that point?

13 A. So as I mentioned, he continue moving -- be
14 restless --

15 Q. Um-hum.

16 A. -- and waving with his hand, and whatever he
17 held in his hand, and they continue with their
18 instructions.

19 So it was, like, kind of back and forth,
20 back and forth, back and forth, going on for --
21 for a long time.

22 Q. Okay. So what happens as this unfolds?

23 A. So, during that time, a police car showed up
24 and blocked Burlington Road from the north.

25 Q. Um-hum.

1 A. I blocked Blake Road from the northwest, so I
2 redirected the traffic coming in.

3 Q. Um-hum.

4 A. And at some point the policeman on the left
5 slipped on the ice and fell on the -- fell on the
6 ground, and then we heard another shot.

7 Q. Okay.

8 A. And, after that, one policeman went to the
9 car, to the police car, and got equipment out of
10 it and approached the man, yeah.

11 Q. So as this is happening, you mentioned a
12 second -- or that you were -- you were blocking,
13 is it Blake?

14 A. Blake.

15 Q. Okay. So does that mean you're -- you're
16 kind of -- you're in the street kind of as cars
17 are coming, motioning them away?

18 A. Correct.

19 Q. Okay. Are you still at this time trying to
20 keep an eye on what's going on?

21 A. When I was redirecting traffic, I was not
22 able to see the scene.

23 Q. Okay. But, like, in between?

24 A. In between, we kept on watching until my
25 husband told me, Let's go, because he understood

1 what happened. I did not.

2 Q. And tell me about the -- the moment when the
3 officer slips, if you can.

4 A. So it was February, there was snow and ice
5 on -- on the sidewalk and as he was moving back
6 and forth, he slipped on the ice and fell.

7 Q. Forward or backward or --

8 A. Forward, forward.

9 Q. Okay.

10 A. So I -- at this point, I cannot remember if
11 he was still on the sidewalk or he fell on the
12 road. I cannot. I'm not sure. (Indiscernible.)

13 Q. But is it right by that curb?

14 A. Yeah.

15 Q. Okay. And so what happens at that point?

16 You said you heard shots?

17 A. I heard a shot.

18 Q. What -- what could you see happening as you
19 heard the shots?

20 A. I don't remember.

21 Q. Okay. The last -- just before the shots, do
22 you have a memory of where the man was in
23 relation to police?

24 A. Same place.

25 Q. Okay.

1 A. He was same place.

2 Q. Okay. In the moments before the -- the last
3 moment you can remember before the shot, did it
4 appear to be the man was still holding whatever
5 he had been holding the whole time?

6 A. Probably.

7 Q. And, in terms of shots, did those shots sound
8 different or the same as the earlier what you
9 described as the bean bag shots?

10 A. I cannot really tell. To me, it sound the
11 same.

12 Q. Okay. In the sense they were loud? Okay.

13 A. (Indiscernible.)

14 Q. Do you remember how many shots you heard?

15 A. One, but I'm not very sure about that.

16 Q. Okay. As you're -- when you hear the shots,
17 is this something that you hear as you're facing
18 the rotary, or are you in the middle of directing
19 traffic at the same time?

20 A. I believe facing the rotary.

21 Q. Okay. The -- the officer who approached the
22 car after the shots began (inaudible), how
23 quickly did that happen after the shots?

24 A. Pretty quickly. And their ambulance arrived,
25 too.

1 Q. Okay. How quickly did that happen?

2 A. Quickly.

3 Q. Okay. So you described one car -- one police
4 car blocking off Burlington Street.

5 As you're watching, did you get a sense of
6 whether there were other police or emergency
7 vehicles nearby?

8 A. No, not that we were able to see.

9 As you can -- as you can see, we were able
10 to see only until half of the rotary.

11 We were not able to see the west or
12 southwest.

13 Q. Okay. After the shots, could you -- could
14 you see whether the position of the man on the
15 ground changed?

16 A. (No audible response.)

17 Q. Could you hear any -- you're indicating no.

18 Can you -- can you tell me whether there
19 was a point at which the police were still giving
20 that person instructions after the shots?

21 A. Not as far as I recall, there were not any
22 more instructions.

23 Q. And the officer that slipped at the curb,
24 we'll say, when that happens, are you able to
25 tell whether the officer just went flat down or

1 was scrambling to get his feet or what?

2 A. Just flat, I think. He was the officer,
3 like, the farthest from the man. He was
4 farthest.

5 There were officers closer to the man.

6 Q. Were there -- could you tell whether that
7 officer was carrying anything, or holding
8 anything?

9 A. I believe he did carry, as far as I remember,
10 he did carry a gun or something.

11 Q. Do you remember anything about the -- the
12 shape or the color of that gun?

13 A. No.

14 Q. Do you remember at any point -- do you
15 remember at any point that the -- the closest --
16 it sounds like your testimony, what you're saying
17 is that there's this -- this kind of semicircle
18 of officers and then there's a man on the ground
19 who's moving in different ways.

20 A. Yeah, more towards the south.

21 Q. Right. Towards -- towards the south would be
22 towards you?

23 A. No. We were on the northwest.

24 Q. Okay.

25 A. So he was on the -- moving around the south

1 part.

2 Q. Okay. And, again, this is still while he's
3 essentially on his backside on the (inaudible)?

4 A. Yes.

5 Q. So almost like butt scooting, is that --

6 A. Yeah, like -- yeah.

7 Q. At any point -- or do you recall talking to
8 the police about whether, when you were
9 interviewed, whether the distance between him and
10 the police got closer at any point?

11 A. Not really.

12 He was -- he was moving around, but not
13 really getting close, really close to the
14 policemen.

15 Q. Okay. When you -- when you saw him after the
16 shots, the man, can you approximate the distance
17 he was from the officers at that point?

18 A. When -- after he was shot?

19 Q. Yes.

20 A. No. I don't remember.

21 Q. Do you remember when you were interviewed by
22 the Lexington police on February 16th, do you
23 remember that interview -- and you met with, I
24 believe it was Detective (indiscernible)?

25 A. I don't remember the names.

1 Q. Okay. But, in fact --

2 A. There were two of them.

3 Q. Right.

4 And do you remember discussing or talking
5 about how at one point the distance between the
6 officer and the man was at one point as close as
7 six feet?

8 A. Which officer, the one that's hit? That
9 stepped on the ground?

10 Q. One of the officers with -- that was holding
11 up a rifle.

12 A. Well, I think there were more than one
13 holding a rifle, so I'm not sure which one you
14 are talking about.

15 But the man was there and the man that
16 slipped was on the north side of the semicircle.

17 Q. But do you remember that topic coming up when
18 you talked to the police back in February?

19 A. (No audible response.)

20 Q. The movements of the man on the ground, can
21 you describe how, you know, what were they, fast,
22 slow, were they smooth, were they jerky?

23 Can you describe the movements in a little
24 more detail?

25 A. He was trying to move. Sometimes he even,

1 like, was trying to lift himself a bit, and I
2 believe that's when they shot him first.

3 Q. That's when you would hear the noises?

4 A. Yeah. But he never, like, stood on his feet
5 or, like, moving towards -- really towards them.

6 Q. He never got fully to his feet?

7 A. Right.

8 Q. Okay. So, if I understand you, correct me if
9 I'm wrong, at different points he's moving and
10 beginning to rise up, and then you would hear
11 the --

12 A. Yeah.

13 Q. -- the bean bag shots?

14 A. Yeah.

15 Q. Okay.

16 A. Sometimes he was moving back, sometimes he
17 was moving side, so it wasn't like he was going
18 somewhere.

19 Q. Okay.

20 MR. VAN EPPS: Nothing further for this
21 witness, Judge.

22 THE COURT: Mr. McDonald?

23 MR. MCDONALD: Yes, your Honor.

24 EXAMINATION

25 BY MR. MCDONALD:

1 Q. Mrs. Dinnar, when during the course of the
2 incident did you begin to direct traffic?

3 Do you recall when that was?

4 A. Say it again.

5 Q. When during the course of the incident did
6 you begin to direct traffic, stopping them from
7 getting closer to the (inaudible)?

8 A. Yeah. It happened maybe twice, like,
9 whenever a car approach from the road, I would
10 redirect them.

11 Q. Okay. And would you turn toward that car?

12 A. Correct.

13 Q. Redirect the car?

14 A. Yes.

15 Q. And then turn back?

16 A. Correct.

17 Q. And you believe you did that twice?

18 A. Probably twice.

19 Q. And the first time you redirected the car, do
20 you recall what was going on at the rotary?

21 A. I was not able to see what's going on on the
22 rotary while I was redirecting the car.

23 Q. And do you know, for instance, did you
24 redirect the cars twice before the final
25 shooting?

1 A. Correct.

2 MR. MCDONALD: That's all I have.

3 Thank you.

4 THE COURT: Mr. Heineman?

5 EXAMINATION

6 BY MR. HEINEMAN:

7 Q. Good morning.

8 Good afternoon, actually now.

9 With regard to the timing, I believe you
10 said your best estimate -- and I know you weren't
11 probably looking at your watch -- was that this
12 whole sequence of events took around 15 minutes.

13 Is that what you said?

14 A. So difficult to tell, you know, exactly how
15 long it lasted.

16 It looked like forever, but...

17 Q. It seemed like forever.

18 When you were interviewed by the Lexington
19 police --

20 A. Um-hum.

21 Q. -- were you and your husband interviewed
22 together?

23 A. First -- no, we were interviewed separately.

24 Q. Okay. Now, with regard to -- you've referred
25 to an officer on the left and an officer on the

1 right, I want to make sure that I'm
2 understanding --

3 A. Right -- right is south, and left is north.

4 Q. So on -- on the map, on the diagram we have
5 here, as you're looking towards the -- what --
6 the scene that you've described to us, when
7 you're using left and right, you're talking from
8 your own perspective, correct?

9 A. Correct.

10 And -- and I corrected myself.

11 Right is south, and left is north.

12 Q. All right. And so the officer to the left or
13 to the north was the officer who was being loud?

14 A. Yes.

15 Q. And --

16 A. Yeah.

17 Q. And you said that the way he was talking was
18 in a scary tone?

19 A. Correct.

20 Q. Did he continue with that loud, scary tone --

21 A. Yes.

22 Q. -- through the entire episode?

23 A. Yes.

24 Q. And the other officer, who was to the right,
25 was --

1 A. One -- one of the right -- I cannot say if it
2 was the -- the one at the right or the one next
3 to him.

4 It came from the right side -- from the
5 south side.

6 Q. All right. So one of the officers, who was
7 to the south of the loud officer, was talking in
8 a more calm voice?

9 A. Correct.

10 Q. Do you remember telling the Lexington police
11 that towards the end, it was the louder officer
12 who took control of the situation towards the
13 end?

14 A. I don't know.

15 Q. Okay. That loud officer, did you see that
16 loud officer moving around during this
17 interaction?

18 A. Yes.

19 Q. And the loud officer, was he carrying one of
20 the long guns or some other type of a weapon?

21 A. I cannot tell you what kind of weapon he was
22 holding.

23 Q. Was it the loud officer who slipped and fell?

24 A. I believe so.

25 Q. And the police report we've been provided

1 says that when the officer -- of the interview,
2 and I can't tell whether it's of you or your
3 husband, so I apologize -- but it says, When the
4 officer fell, tension went up, and the man in the
5 street sat up.

6 Did you see that?

7 Did you see the man sit up when the
8 officer fell?

9 A. He was moving. He was moving same way he was
10 moving before.

11 Q. Okay. After the officer fell, though, the
12 man never got to his feet, did he?

13 A. I believe not.

14 MR. HEINEMAN: Thank you.

15 That's all I have, Ms. Dinnar.

16 Thank you.

17 THE COURT: Anything on that from anyone?

18 MR. VAN EPPS: I just want to clarify
19 something.

20 REDIRECT EXAMINATION

21 BY MR. VAN EPPS:

22 Q. You said you believe.

23 Earlier -- earlier I asked you if you saw
24 it or not; I believe your answer was no.

25 Were you able to see what the man was

1 doing just before the shots happened?

2 A. No. I don't remember. I cannot put it,
3 like, in the timing.

4 THE COURT: I just have one or two
5 questions.

6 Did you ever see the man on the ground
7 throw the knife away?

8 THE WITNESS: Excuse me?

9 THE COURT: Did you ever see the man on
10 the ground throw the knife away?

11 THE WITNESS: No way.

12 THE COURT: Did you ever see the man on
13 the ground throw the knife at any of the police
14 officers?

15 THE WITNESS: No.

16 THE COURT: Did you ever see the man on
17 the ground drop the knife?

18 THE WITNESS: No.

19 THE COURT: Okay.

20 MR. HEINEMAN: One follow-up quickly.

21 REDIRECT EXAMINATION

22 BY MR. HEINEMAN:

23 Q. After the man was down on the ground the
24 first time, as you've described for us, did you
25 ever see him get back up to his feet at any point

1 in time?

2 A. To his full feet, no.

3 MR. HEINEMAN: Thank you.

4 THE COURT: Ma'am -- anything on that?

5 MR. VAN EPPS: No, thank you, Judge.

6 THE COURT: Thank you very much.

7 (Witness excused.)

8 MR. VAN EPPS: And the next witness is
9 going to be --

10 THE WITNESS: My husband.

11 MR. VAN EPPS: -- Samuel Dinnar.

12 THE COURT OFFICER: (Inaudible) the clerk
13 (indiscernible).

14 THE COURT: Thank you.

15 THE COURT OFFICER: Sir, stop right
16 there, and face the, clerk and raise your right
17 hand, please.

18 THE CLERK: Do you solemnly swear or
19 affirm that the testimony you'll provide the
20 Court today will be the truth so help you God?

21 THE WITNESS: I do.

22 SAMUEL DINNAR, SWORN

23 THE COURT OFFICER: Right this way,
24 please.

25 Just stop here (inaudible).

1 THE WITNESS: Okay.

2 MR. VAN EPPS: Good afternoon.

3 You can have a seat.

4 THE COURT: Sir, you can have a seat.

5 THE WITNESS: Thanks.

6 THE COURT: Sir, so I've been telling
7 everybody the same thing.

8 I can't order you not to discuss your
9 testimony today, but what goes on here is
10 supposed to be private and confidential.

11 There is going to be a report that will
12 be issued to the parties at least -- it's not
13 going to -- it's not a public report -- but I'd
14 just ask if you could to not discuss your
15 testimony -- I understand that you and your wife
16 are going to talk about it; but, beyond that, you
17 not discuss your testimony until that -- until
18 you're notified as to the results of the inquest.

19 Mr. Van Epps?

20 THE WITNESS: Understood.

21 THE COURT: Thank you, sir.

22 EXAMINATION

23 BY MR. VAN EPPS:

24 Q. Good afternoon, sir.

25 A. Good afternoon.

1 Q. Could we have your full name and could you
2 spell it for our court reporter?

3 A. Samuel Dinnar, S-A-M-U-E-L, D-I, double N,
4 A-R.

5 Q. And, sir, where do you live?

6 A. 95 Simonds Road, Lexington.

7 Q. And have you lived at that address for about
8 18 years?

9 A. Yes.

10 Q. Okay. And your wife is Tal, who testified
11 earlier; is that right?

12 A. That's true.

13 Q. What do you do for work, sir?

14 A. I'm an engineer. I work in -- in technology
15 management and I teach.

16 Q. What do you teach, engineering?

17 A. Engineering leadership, so negotiation,
18 things like that.

19 Q. Okay. And let me -- I want to -- I'd like to
20 ask you some questions about February 12th of
21 this year.

22 Around 12:30 that afternoon, what were you
23 and your wife doing?

24 A. We just finished lunch, and we decided to go
25 out for a walk.

1 Q. And you live only maybe five minutes from the
2 rotary behind North Hancock and Hancock and
3 Blake; is that right?

4 A. Yes.

5 We live on the corner of Blake and
6 Simonds, so just down the road a few minutes.

7 Q. Okay. Did the path of your walk take you to
8 the rotary, or in the direction of the rotary?

9 A. Yes.

10 That's our normal path that we walk, and
11 it took us in that direction; and then we were
12 held short because of the event, yeah.

13 Q. And a residential neighborhood, lots of homes
14 nearby, there's a school nearby; is that right?

15 A. Yes.

16 Q. As you're approaching the rotary, you know,
17 as you're approaching where, you know, Blake
18 feeds into Burlington and Burlington hits the
19 rotary, did you become aware of any sounds or any
20 noises that were out of the ordinary?

21 A. We -- as we're walking down Blake, it starts
22 descending in that direction, I heard a far-off
23 siren, didn't pay much attention to it, but it
24 was a Saturday morning, and it did seem to be in
25 the general direction. That was it.

1 Q. And what do you recall about that day in
2 terms of -- you're out for a walk, what was the
3 weather like, what was the condition like?

4 A. It was -- it had snowed, so the ground
5 was -- had snow and ice on it, patches of snow
6 and ice, and it was a nice, sunny winter day,
7 which felt good for a walk, yeah.

8 Q. Fair enough.

9 As you approach where Blake and Burlington
10 feeds into the rotary, what, if anything, did you
11 observe in the rotary that seemed unusual to you?

12 A. So first we heard this -- so this is a couple
13 minutes after that siren, we heard sort of boot
14 stomping --

15 Q. Um-hum.

16 A. -- and just, like, this commotion.

17 And we looked up in the direction of the
18 rotary, and I saw a person run in our direction
19 from the rotary direction to Burlington, and then
20 slip at -- at the place where Blake and
21 Burlington would meet, just shy of the rotary,
22 slip on the ground facing us, and then
23 immediately thereafter several policemen came up
24 behind and sort of positioned themselves facing
25 that person.

1 Q. Okay. The person that had been running,
2 could you describe that person's looks and
3 appearance in any detail?

4 A. It's -- it's hard from so long ago.

5 Youngish, I would say 38, thin, athletic.

6 Q. Clothes, if you can?

7 A. I think a tan-colored shirt and -- and pants.
8 Hard to -- I don't recall exactly.

9 Q. Okay. So this person falls, I think you
10 said.

11 A. Yeah.

12 Q. And you had -- as you're approaching, you had
13 heard sirens.

14 Now that you're watching this, are you
15 able to hear anything about what's going on in
16 the rotary?

17 A. So -- so, initially, I didn't put the siren
18 together. I don't know if it was connected.

19 In hindsight, it seemed connected, but at
20 that moment, it was just a commotion of everybody
21 on the -- on the ground.

22 He was falling in our direction, trying to
23 get up; told to stay down, and -- and that was
24 more or less the essence of the discussion that
25 went on for -- that -- an extended period of time

1 afterwards.

2 Q. Okay.

3 A. Some of it we could hear, especially the
4 officers or policemen who were facing us.

5 Most of the time we could not hear what
6 the -- the person, which I later know as Brandon
7 [sic], so if it's okay I'll use Brandon [sic], he
8 was most of the time with his back towards us, so
9 what we could make out, I couldn't make out what
10 he was saying.

11 Q. Okay. Just so I understand you, could you
12 hear if the police were talking to him, if so,
13 could you make out what they were saying?

14 A. Yes.

15 Initially, he was told to stay down. He
16 was told to drop the knife. I don't know at what
17 point he was -- one of the officers or policemen
18 addressed him by his name and tried to calm him
19 down and tell him that an ambulance was on his
20 way; they -- they want to get him back home, back
21 to his family.

22 Q. Okay.

23 A. So there were -- there were basically two
24 distinct voices among them, but that was the
25 essence of the conversation throughout.

1 Q. Okay. And we'll come back to those in a
2 second, but so you're hearing police say things
3 to him.

4 A. Yeah.

5 Q. Could you hear any response at all coming
6 from him, even if you couldn't make out the
7 words?

8 A. I could tell he was highly distressed.

9 Q. What makes you say that?

10 A. Highly anxious.

11 The voice was -- I mean, you could see by
12 the body gestures, by the -- by the tone of the
13 voice, but I couldn't make out what was being
14 said, yeah.

15 Q. Can you tell us about the -- you told us
16 about the body language and the tone.

17 What about the volume of the response,
18 anything you tell us about that?

19 A. I --

20 Q. Compared to, say, the way you and I are
21 talking today.

22 A. Yeah, I don't --

23 Q. (Inaudible.)

24 A. Again, this is a long time and I'm not -- I
25 don't think it was consistent, so I don't think

1 it was that he was yelling all the time or that
2 he was talking softly.

3 I think there were some of this and some
4 of that, so --

5 Q. Some of both?

6 A. Some -- some of both.

7 Some where he was sort of talking in a
8 softer and quiet voice, either to himself or to
9 them, and then at some point it was getting
10 louder and a little more agitated.

11 I mean, they had shot him with bean bags
12 or whatever it was.

13 I mean, there was definitely moments of
14 distress there; and the tone was impatient,
15 higher, you know, pitch, sharper kind of.

16 But it -- but it changed. It wasn't
17 consistent.

18 Q. Okay. Can you tell us from where you were
19 watching where the man and where the police
20 appeared to have come from as they're running
21 into the rotary and they end up in front of
22 you?

23 A. So we're positioned up street on Blake about
24 two houses down.

25 What you can see is the intersection of

1 Blake and Burlington.

2 You don't see much of the rotary. They
3 all came from the direction of that rotary.

4 Q. Okay.

5 A. And then Brandon [sic] ran and slipped and
6 fell on the ground, and then the officers sort of
7 created this arc or semicircle all on the west --
8 eastern side of the rotary, so towards
9 Burlington, sort of in a semicircle or an arc.

10 Q. And when that's happening, is the man, is he,
11 you know, on the grassy part of the rotary or is
12 he in the street? Where is he?

13 A. Brandon's [sic] in the middle of the street.

14 Q. Okay. And the officers are where at this
15 time?

16 A. And the officers -- the one, No. 1, that was
17 on the left, our left, was on the sidewalk, right
18 on that seat.

19 Two and three were on the street towards
20 the direction of the rotary.

21 And four was -- and maybe there was a
22 five, I don't remember, I don't recall exactly --
23 were more towards that side of the rotary where
24 -- where -- that disappears out of view, that's
25 blocked by going off to the right --

1 Q. Okay.

2 A. -- so...

3 Q. What I'm going to ask you to do is, I'm going
4 to give you a Magic Marker. Showing you a Google
5 maps printout of the rotary.

6 A. Yeah.

7 Q. We can agree that that looks like a Google
8 map?

9 A. Yeah.

10 Q. Okay. So if you could, take a minute, think
11 about where you were observing from and put your
12 initials where that is.

13 A. Okay.

14 Q. All right? Well, actually, I'll ask you to
15 start with that.

16 (Inaudible) up here. It's kind of a --

17 A. Well, this is --

18 Q. As closely as you --

19 A. That's not a good -- that's not a good Google
20 map excerpt because this half is -- so we're up
21 here --

22 Q. Um-hum.

23 A. -- right.

24 So we're outside this image on Blake.

25 Q. Right.

1 A. And we're seeing the events happen around
2 here.

3 Q. Okay.

4 A. And so most of this is -- is irrelevant, and
5 I couldn't put my initials on where I would be
6 because it would be outside the image.

7 Q. From the way you're gesturing, it looks like
8 you are indicating further up Blake, at least the
9 north of this green lot; is that right?

10 A. Oh, much further. This is -- this is the
11 first house on Blake. We'd be probably out here.

12 Q. Okay. Fair enough.

13 Can you indicate, then, at least where
14 Brandon [sic] was, and you could just put a B.
15 From what you recall.

16 A. (No audible response.)

17 Q. And then --

18 A. Right around there.

19 Q. You had -- you had indicated there was, you
20 described as an arc --

21 A. Yeah.

22 Q. -- of police officers.

23 Can you just kind of indicate on the --
24 the map you're holding where that was?

25 A. Something like that.

1 It's -- I mean, it wasn't a perfect arc.
2 I think this one was a little further back, and
3 it -- it may have been -- it's a little hard with
4 this angle.

5 Q. Okay. And, as I understand, I'm going to
6 just circle on this, when I showed you the green
7 blob that you were to the north of, that's the
8 thing that I've circled, you're up here
9 somewhere?

10 A. We're -- we're up -- yeah, we're up here.

11 Q. (Inaudible.)

12 A. Yeah.

13 MR. VAN EPPS: I would offer this as the
14 next exhibit.

15 THE COURT: That will be the next
16 exhibit.

17 THE CLERK: No. 6.

18 (Exhibit No. 6, Map, received into
19 evidence.)

20 MR. McDONALD: Wait. (Inaudible) with
21 the statement on the (inaudible) is in there?

22 MR. VAN EPPS: Yes.

23 (Inaudible.)

24 MR. McDONALD: Okay.

25 BY MR. VAN EPPS:

1 Q. The -- you're looking into the rotary from
2 this position.

3 The arc of police officers -- well, so
4 there's the man on the ground. You drew the
5 different numbers of the officers --

6 A. Yeah.

7 Q. -- that you recall in the map.

8 Do their positions, you know, sort of
9 change as the incident unfolds are or they
10 standing perfectly motionless throughout?

11 A. Most of these that I drew, the four, I think
12 they were more or less in the same position
13 throughout.

14 There appeared to have been more coming
15 from the back, and things were happening on the
16 rotary beyond what I could view; and, eventually,
17 there were also others, police cars coming in
18 from the Burlington side or -- or then later to
19 the Burlington side.

20 But for the most -- most of the
21 interaction, these -- these were the primary
22 officers that were engaged --

23 Q. Okay.

24 A. -- and they were more or less in the same
25 positions.

1 Q. Tell me about the instructions you heard the
2 police giving to the man.

3 A. Um --

4 Q. I think you -- I think you --

5 A. Yup.

6 Q. -- had said there were multiple voices.

7 A. So there were two primary voices.

8 The one on the left I would call No. 1,
9 stockier build, shorter, black hair, if I
10 remember correctly, pointing a -- a rifle at the
11 person on the ground, and most of their commands,
12 or most of their sentences, were commands in --
13 in a very abrupt, loud, staccato kind of voice,
14 so, Put the knife down. Stay down. Put the
15 knife down. Things like that.

16 The person that was Officer 3 or 2,
17 because I mean, they may have sort of moved
18 around a little bit between them, taller, darker
19 voice, more steady and relaxed, not relaxed, but
20 calming, trying to be calming, and trying to be
21 more empathetic in the -- in the way they were
22 conversing.

23 And they were -- they were -- they did
24 more, I think, of the talking, and their
25 sentences were longer and tried to call him by

1 name, at least at some point, I don't know if
2 right from the beginning, but, Brandon [sic],
3 we're trying to get you, or, We called your
4 family, or, We're trying to get you home, we're
5 calling an ambulance, things like that.

6 Q. Okay. And are these, with respect to these
7 two voices, are they giving these instructions
8 multiple times or a couple times or -- can you
9 give us a sense of that?

10 A. Yes.

11 This is going on for quite a while,
12 multiple times.

13 The -- the man on the ground occasionally
14 would turn back; look as if they were going to
15 maybe try and, you know, see if there's another
16 way to go, or try to get up or -- or talk back to
17 them and shaking their hand with what appeared to
18 be a knife at them.

19 And, occasionally, the person on the --
20 the officer, policeman No. 1, would shoot at
21 Brandon [sic] what seemed to be nonlethal, you
22 know, bean bags or -- or whatever it is, to keep
23 him on the ground.

24 Q. Let me just ask you a couple follow-up
25 questions.

1 A. Sure.

2 Q. So when you were talking to me about the man
3 on the ground talking back and indicating that
4 you -- you were -- you kind of raised your hand
5 and were sort of waving it or gesturing with it.

6 A. That was one time. That was maybe the third
7 kind of interaction or after he was doing that,
8 so that was at a later -- again, I -- I
9 apologize.

10 It's been a long time. I don't remember
11 the exact sequence, but that was later in one of
12 the exchanges with them.

13 Q. Okay.

14 A. And by that time, I mean, it was hard for me
15 to see that it's a knife, but from having heard
16 them say, Drop the knife, I assumed that was the
17 knife.

18 Q. Okay. And you're also, I would note, you're
19 sort of shaking your hand, holding your hand as
20 if you're holding an imaginary knife?

21 A. Yes.

22 Q. Is that how you remember that man's handling,
23 in terms of --

24 A. Yeah.

25 Q. -- the shake?

1 A. Yeah. He was holding it as -- like you would
2 hold a stick, not like you would do a down
3 stabbing motion, but holding up, is what I
4 recall.

5 Q. Understood.

6 So, as this is happening, so you described
7 him also, the man on the ground, looking around.
8 Tell me about his position and whether he was
9 moving, in addition to looking around.

10 A. He -- he was moving around. He was looking
11 in different directions at the different
12 officers.

13 There were different officers talking to
14 him; there were others with rifles pointed at
15 him.

16 So he's looking nervously around; he's
17 looking at the other direction where there are no
18 officers, as if that may be an escape route or
19 whatever, I don't know, so he's moving about,
20 sitting, sitting up, sitting down, sort of lying
21 down or being hit by the bean bag and being back
22 on the ground.

23 At no point did -- do I remember him
24 getting up, okay.

25 So he's shifting his weight around, he's

1 moving around, he's -- but at no point do I
2 remember him getting up.

3 Q. Like, standing?

4 A. Standing.

5 Q. You know --

6 A. Yes.

7 Q. -- on his feet or, you know, like the way I
8 am?

9 A. That's right.

10 Q. Okay. As this is going on, so you described
11 him looking around nervously or maybe agitated is
12 the word.

13 Is that -- was that your perception from
14 the, you know, the -- the movements he's making,
15 you know, the speed or the way he's moving?

16 A. Yes.

17 There are moments where he's silent, where
18 he's not responding, and then there are moments
19 where he's talking to somebody -- to himself or
20 to them -- and there are moments where he
21 directly is addressing one of them. It's -- it's
22 not consistent.

23 There are sort of moments, and there were
24 periods where there was nothing happening, right,
25 so he wasn't talking; they -- they would wait,

1 they would say something, and -- yeah.

2 Q. The -- you mentioned one of the officers was
3 holding some kind of rifle or -- or a long gun, I
4 guess we can call it.

5 Do you remember anything about the shape
6 or the color of any of those?

7 A. The best I recall is that it was black, so
8 the barrel was -- was black and a little thicker,
9 from my memory, but I -- I can't be 100 percent
10 sure.

11 Q. And, in terms of when you describe them as, I
12 think, bean bags or something like that, but you
13 describe the man on the ground being shot with
14 those periodically.

15 What was happening at the time you heard
16 those shots in terms of his position, his
17 movements, their instructions?

18 Can you sort of -- describe that?

19 A. Yeah.

20 It -- again, if it was -- I don't know the
21 exact conversation dynamics; but at some point
22 when it appears he was either looking to go
23 elsewhere or trying to change position and maybe
24 get up, or not responding to their instructions
25 to stay down and to drop the knife, then there

1 was, you know, there was a shot or -- or two -- I
2 think I thought one at the time -- and then he
3 would get hit and sort of stay on the ground
4 or -- or fall -- fall back down from sitting to
5 laying down.

6 Q. Was -- and how many times did you hear shots
7 like that, like the -- that sounded like that,
8 what you're describing?

9 A. I -- I probably had a better description in
10 my interview after the fact of how many times.

11 It's hard for me to recall, maybe three,
12 maybe four. I don't recall exactly from ten
13 months later, but.

14 Q. But today you remember it as three or four?

15 A. It's several, several, yeah.

16 Q. And you described them as being bean bags.

17 After -- after the -- after the shots, the
18 whole interaction would continue, there'd be
19 instructions and he'd still be kind of moving
20 around?

21 A. Yeah.

22 So it was -- it appeared to me it wasn't
23 lethal.

24 It caused the man, Brandon [sic], to, you
25 know, be hit and -- and physically change his

1 position or fall on the ground, but it didn't
2 stop him from later sitting back up or continuing
3 the conversation or, so that's why I assumed it
4 was a bean bag or a rubber something, some
5 nonlethal.

6 Q. I understand.

7 As you're -- so while this is going on;
8 you're watching, am I correct in thinking that at
9 one point your wife begins to -- as cars are
10 coming, she'll turn and basically direct them
11 away from the rotary?

12 A. Yes.

13 Q. Okay.

14 A. Yeah, yes.

15 So there were cars coming from both
16 Burlington side and from Blake.

17 So the ones coming from Blake, she would
18 wave off and ask them to turn around, not go down
19 there.

20 Q. Do you have a memory of how often she had to
21 do that?

22 A. Probably two or three times.

23 Q. So describe what happens at the end of the
24 incident.

25 Where is the man positioned and what can

1 you see happen?

2 A. The -- the positioning are pretty much the
3 same as they had been for this whole period.
4 This has been going on for quite a while.

5 The officer, or Policeman No. 1, who was
6 on the left with the -- what I perceived to be
7 the bean bag long gun, rifle, is -- is
8 occasionally adjusting their position, so they --
9 they would shuffle forward, shuffle back to
10 decide as they're -- as they have their rifle
11 trained on Brandon [sic] on the ground and
12 yelling, and at some point after this had
13 happened several times, they -- they are
14 shuffling and they slipped on the ice and fell on
15 their back.

16 That caused this sort of shift in the
17 dynamic because. All of a sudden, things that
18 have been pretty stable, all of a sudden there's
19 a big kind of change in the dynamic, a person's
20 on the ground with the rifle, people are looking
21 up, they're looking in different directions, and
22 Brandon [sic] reacted as well to -- to the fact
23 that the officer's on the ground, by leaning
24 forward or looking at him on the ground, et
25 cetera, and -- and then a different sounding

1 rifle is what I heard, fire -- fire a couple of
2 shots, or a few shots, and then Brandon [sic]
3 fell down.

4 Q. Do you remember how many shots you heard?

5 A. I don't precisely, but I think it was maybe
6 three or four in short sequence.

7 Q. And did anybody approach him thereafter?

8 A. Yes, although not immediately. There was
9 still, Drop the knife, let go of the knife.

10 Q. The instructions?

11 A. There are still instructions, because now
12 he's on the ground, but he's still clutching the
13 knife.

14 And so they're -- they kept giving him
15 instructions to drop the knife; and, eventually,
16 with rifles trained, one of them walked over;
17 with their leg, if I remember correctly, sort of
18 slid over the knife, and then they tended to him.

19 Meanwhile, another cop car came around to
20 the Burlington side and they administered first
21 aid or -- yeah.

22 Q. After he fell, but was apparently still
23 holding the knife, how long did it take before
24 somebody grabbed the knife and they started doing
25 first aid, if you know?

1 (Inaudible.)

2 A. Yeah, it's tough to estimate time, moments
3 like this.

4 A guesstimate would be 15 long seconds,
5 but I -- it's hard -- it's hard to tell.

6 Q. Was there an ambulance that showed up shortly
7 thereafter?

8 A. Yes.

9 Q. Had you been aware of an ambulance in the
10 area as you're watching this?

11 A. Yes.

12 I think at one point Officer No. 3 -- I
13 say officer because my assumption was that was
14 the highest ranking of policeman there --
15 mentioned, The ambulance is here, all right.

16 So the ambulance is here. Brandon [sic],
17 we want to -- you know, we want to help you get
18 to the hospital or something like that.

19 Q. Just before -- so you described when the
20 officer slipped and fell.

21 You said you thought it was the ice. Is
22 that -- does that happen over by the curb?

23 A. Yeah, yeah. So -- so the -- it's hard for me
24 to know for sure what -- because there was snow
25 and ice, but there's part of the curb that's,

1 like a step and part of the curb that's a little
2 more flush with the road there, and he was moving
3 back and forth around that area, and there, you
4 know, there were some ice patches or snow patches
5 there, so.

6 Q. But when that officer falls, you were
7 describing it earlier, you said the situation,
8 the dynamic I think is what you said, change, and
9 you kind of -- and your body language was -- and
10 you sort of sat up and you looked, you know, a
11 little more -- like you were looking around,
12 (inaudible) like that?

13 A. Yeah.

14 Q. What was your observation about Brendan's
15 movements at the time that fall happens, as best
16 you can describe?

17 A. Yeah, it -- I think my attention went to the
18 officer first; and then my thought was, no,
19 don't -- I was -- I was afraid something bad
20 might happen as a result, because things were,
21 you know, I was getting nervous, everybody was
22 getting nervous, I'm sure everybody there was,
23 I'm sure Brandon [sic] was.

24 I don't remember him getting up. I don't
25 remember him lunging forward. I don't remember

1 him -- any -- anything dramatic of that nature,
2 but he did make some change in the posture or
3 whatever, so I -- I don't know what the intent
4 was.

5 Q. And --

6 A. And I wasn't -- and I don't think I was
7 focused on him, because I was looking at the
8 officer.

9 Q. Because you had just seen that movement and
10 so you (inaudible) --

11 A. Because I had seen the officer fall and, you
12 know, and -- yeah.

13 Q. Okay. As that happens, so are you -- is he,
14 Brandon [sic], facing the officers when that
15 happens or is he -- I mean, are you sort of
16 looking at this in a profile or how is he facing
17 compared to you?

18 A. I think he was with his back towards me, and
19 then when he's looking at the officer who fell,
20 then he's more into profile or two thirds
21 profile.

22 Q. Okay. At that point, do you have an a
23 approximation, or can you estimate the distance
24 between Brendan and the officers?

25 And can you use either -- you can use the

1 furniture in this room.

2 A. Yeah, I think it's something, like, seven or
3 eight feet --

4 Q. Okay.

5 A. -- which is the middle of the row to that
6 curb --

7 Q. Okay.

8 A. -- to that officer a little bit further away
9 from the other officers --

10 Q. Okay.

11 A. -- in the middle of the arc that I mentioned,
12 and then probably similar or a little more with
13 the officer that's on the right side.

14 Q. Okay. And you -- you described earlier you
15 perceived some -- some kind of movement or change
16 of posture or something in Brendan, but he never
17 fully got to his feet?

18 A. That's -- that's -- that's my recollection.

19 Q. Okay. And at the time, what, if I understand
20 you, at the time that happens, were you able to
21 see what he had been doing with the knife right
22 before that?

23 A. No. I mean, I -- the answer is no, but I
24 don't remember thinking that there was something
25 going on that I wasn't seeing with the knife.

1 I don't think that was the center of the
2 focus of -- of the attention.

3 It's different than it was throughout the
4 whole period, which is, you know, Drop the knife.
5 Let go of the knife.

6 Q. Okay. And, clearly, he still had it
7 afterward because --

8 A. Yes.

9 Q. -- somebody went to get it?

10 A. Yes.

11 MR. VAN EPPS: That's all I have, Judge.

12 MR. MCDONALD: No questions, your Honor.

13 THE COURT: Mr. Heineman.

14 EXAMINATION

15 BY MR. HEINEMAN:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. I just have a couple follow-up questions.

19 A. Sure.

20 Q. You had mentioned the two distinct voices --

21 A. Yeah.

22 Q. -- and one officer's voice was louder, and
23 the other officer's voice was calmer or softer;
24 is that fair to say?

25 A. Yeah.

1 I don't know if it -- I don't know as to
2 louder, but was -- the -- was speaking -- you
3 know, the -- the officer that I mentioned calmer
4 had a deeper, stronger voice, so I'm not sure
5 which one was louder, but less strained and
6 calmer, yes.

7 Q. I'm just trying to place officer numbers with
8 those voices.

9 A. Yes.

10 Q. You had talked, as you're looking at it, the
11 officer to the left -- farthest to the left --
12 was the one who was talking in the more abrupt,
13 less calm manner?

14 A. Yes.

15 Q. And the officer somewhere to the right of
16 that officer was one of the officers who with the
17 deeper voice was talking in a calmer manner?

18 A. Correct.

19 Q. And you identified the officer to the left as
20 Officer No. 1 --

21 A. Yes.

22 Q. -- in your drawing?

23 I want to talk about Officer No. 1.

24 A. Okay.

25 Q. Officer No. 1 during the course of this event

1 had a long rifle or a shotgun in his hands,
2 right?

3 A. Yeah.

4 Q. Was it pointed at Brandon [sic] the entire
5 time?

6 A. Yes. I mean, apart from repositioning, et
7 cetera, but the -- yes.

8 Q. And so when we're talking the entire time,
9 we're talking the scope of minutes?

10 A. Yes.

11 Q. And during that time, were there officers
12 other than Officer No. 1 who also had rifle or
13 shotguns pointed at -- his name is Brendan, by
14 the way --

15 A. Yeah.

16 Q. -- I wouldn't expect you to know it, but
17 Brendan, not Brandon -- pointed at Brendan.

18 A. I'm sorry.

19 Q. It's not your -- not your fault.

20 The officer was calling him Brandon, I get
21 it, but his name's Brendan.

22 Were there other officers pointing their
23 rifles at Brendan?

24 A. Yes.

25 Q. Okay. Could you tell which of the officers

1 were firing those bean bags, officer one or one
2 of the other officers with the long rifles?

3 A. One.

4 Q. And if the evidence is that there were eight
5 of these shotgun shells found at the scene after
6 the shooting, would that be consistent with your
7 memory of the approximate number of times you
8 heard that shotgun fired?

9 MR. MCDONALD: Objection.

10 THE COURT: So I think sustained at this
11 point because there is no --

12 MR. HEINEMAN: Okay.

13 THE COURT: -- evidence as it relates to
14 the number of shots fired.

15 But how many shots do you recall being
16 fired?

17 THE WITNESS: I remember several, so
18 anywhere between five and ten would be a
19 reasonable number.

20 MR. HEINEMAN: Thank you.

21 BY MR. HEINEMAN:

22 Q. And if -- at some point you were interviewed
23 by the Lexington police; is that right?

24 A. Correct.

25 Q. Were you interviewed with your wife together

1 or separately?

2 A. We were interviewed together.

3 I believe it was the Tuesday following
4 that event.

5 Q. And, because you were interviewed together, I
6 can't tell who said what in the report, so I want
7 to read a line to you from the report and ask you
8 if you remember this.

9 A. Okay.

10 Q. And the report, it says, When the officer
11 fell, tension went up. Subject, meaning Brendan,
12 sat up.

13 A. Yeah.

14 Q. Is that, you think, something you saw?

15 A. That -- that would probably be me describing
16 things three days later, as opposed to ten
17 months, yes.

18 Q. All right. And so when the tension went up
19 when this officer fell, you saw Brendan sit up,
20 but never get to his feet, right?

21 A. Correct.

22 Q. I want to talk about the moments leading up
23 to the officer falling.

24 A. Yeah.

25 Q. Could you describe for Judge Brennan that

1 Officer No. 1's movements in the, I don't know,
2 10 or 15 seconds before he fell, as best you
3 remember.

4 A. Yeah.

5 As you mentioned, this has been going on
6 for minutes.

7 He's got his rifle pointed at Brendan, and
8 he's occasionally yelling orders.

9 He is occasionally adjusting his position,
10 so shuffling right; shuffling left; shuffling
11 forward; shuffling back as a way of maybe getting
12 a better angle or maybe just changing position
13 because it's tiring to hold that tense position
14 for that long.

15 So that -- the movement wasn't
16 inconsistent with the way he had been shuffling
17 to adjust his position throughout several events,
18 except that time, my reading is, he slipped on
19 the ice or something and -- and fell.

20 Q. And so the last question I have for you is
21 about distances.

22 At the time you saw Brendan sit up for the
23 last time, right before those different-sounding
24 shots, was he located essentially in the middle
25 of that lane of travel?

1 A. Yes.

2 Q. And when the officer slipped and fell, was he
3 at the edge of that lane of travel?

4 A. Yes.

5 He slipped -- he slipped right past the
6 edge; and then I think, as he was getting up, he
7 was right on the edge, as best as I recall.

8 MR. HEINEMAN: Thank you for coming in
9 today, Mr. Dinnar.

10 THE WITNESS: Thank you.

11 THE COURT: Anything on that?

12 MR. VAN EPPS: Nothing further, Judge.
13 Thank you.

14 THE COURT: Thank you very much, sir.

15 THE WITNESS: Thank you. Thank you.

16 (Witness excused.)

17 THE COURT: Why don't we take a break
18 until two.

19 THE COURT OFFICER: All rise. Court will
20 be in recess until 2:00.

21 (1:07 p.m. court in recess.)

22 (2:12 p.m. court resumes.)

23 THE COURT OFFICER: You may be seated.
24 Court is in session.

25 MR. VAN EPPS: Good afternoon, your

1 Honor.

2 So our next witness is going to be
3 Charlotte Newman.

4 We have Scott Mattoon scheduled for a
5 3:00 Zoom, so a few minutes before three I'll
6 just need a couple minutes to do some stuff with
7 the computer.

8 THE COURT: That's fine.

9 MR. VAN EPPS: It should work. We'll
10 see.

11 THE COURT: It's all right.

12 MR. MCDONALD: Famous last words.

13 THE COURT: Mr. Van Epps, just for my
14 planning purposes, there are three witnesses left
15 for today?

16 MR. VAN EPPS: We anticipate Ms. Newman,
17 Tom Wetmore, Scott Mattoon by Zoom, and Davis
18 Gould (phonetic) from the lab --

19 THE COURT: Okay.

20 MR. VAN EPPS: -- if we have time.

21 THE COURT: Great. Okay.

22 THE COURT OFFICER: Right this way,
23 please.

24 You're just going to stop there, you're
25 going to face the clerk, and raise your right

1 hand, please.

2 THE CLERK: Do you solemnly swear or
3 affirm the testimony you're about to give the
4 Court will be the truth so help you God?

5 THE WITNESS: I do.

6 CHARLOTTE NEWMAN, SWORN

7 THE COURT OFFICER: Okay. Right this
8 way, please. Just watch yourself getting into
9 here.

10 (Inaudible.)

11 THE COURT: Good afternoon.

12 I just wanted to -- I've been telling
13 everyone this.

14 I can't order you not to talk about what
15 your testimony is after you leave here today; but
16 these are secret, confidential proceedings at
17 this point.

18 At some point there will be a report
19 that's issued to the parties, or a report
20 relative to what the outcome is, so what I'd ask
21 what you do is just not discuss your testimony
22 until that happens. Okay?

23 THE WITNESS: Um-hum.

24 THE COURT: Also, further, I saw that you
25 were wearing a mask when you came in.

1 What were you doing that day around 12,
2 12:30?

3 A. I don't know the time, I'm afraid, but if
4 you're talking about what we're here for, I
5 walked my dog --

6 Q. Okay.

7 A. -- for his afternoon walk.

8 Q. And what -- what route did you take?

9 Where did you end up?

10 A. Um-hum. I went down from my house on Blake
11 Road down to the mini roundabout, or rotary; I
12 crossed over North Hancock onto -- I think it's
13 called Hamilton, and walked down Hamilton to
14 Ledgelawn, and then did a loop back around North
15 Hancock so I'd end up back on the rotary, and
16 that was the route.

17 Q. Okay. And as you got to the rotary, was your
18 attention drawn to anything that seemed unusual
19 to you?

20 A. On the way out on my walk --

21 Q. Yes.

22 A. -- or the way back?

23 Um-hum. Yes, so as I turned onto
24 Hamilton, I noticed the gentleman, who lived two
25 houses on that corner, from that corner, to my

1 left.

2 I was walking with my dog down the street.
3 I noticed him to my left, sort of tiptoeing along
4 the side of the house, it was next to his house,
5 and it caught my attention because it was very
6 quiet. I saw him, I looked, and he was clearly
7 looking behind him as if he thought something was
8 following him, and he was trying to be unheard,
9 so he was tiptoeing --

10 Q. Okay.

11 A. -- and looking behind him, like someone
12 playing hide and seek and trying not to be
13 followed.

14 Q. The house that he's doing that alongside of,
15 is that the one on the corner --

16 A. Yes.

17 Q. -- 100?

18 A. Um-hum.

19 Q. And is this a person that you knew by sight
20 or by name?

21 A. By sight. I don't believe I knew his name
22 before that day, but definitely by sight in
23 that I'd seen him on the street before when he
24 appeared to be having some sort of event, lots
25 of shouting, and it caught my attention again

1 because I've been out on the street with my dog
2 and my children were out on their bikes, and so
3 I'd gone to check where my kids were and make
4 sure there was nothing that they were involved in
5 and when I saw they weren't there, I went back in
6 and I saw the police came that time.

7 And I'd seen him walking to -- walking
8 down North Hancock before, just to observe him,
9 as I would any neighbor, but that's pretty much
10 it, so I knew him by sight.

11 Q. That -- that one incident where you described
12 him as he had an event or shouting --

13 A. Um-hum.

14 Q. -- when was that, approximately?

15 A. Years ago.

16 I couldn't tell you exactly when, but it
17 was years ago.

18 Q. Okay. All right. So you see this individual
19 tiptoeing along. What do you remember about his
20 appearance in terms of physical description,
21 clothing --

22 A. Um-hum.

23 Q. -- Things like that.

24 A. Um-hum. Hmm. At that point I didn't notice
25 a lot about his clothing. He didn't have a coat

1 on, I know that.

2 I was more -- my attention was more drawn
3 to how he was moving and where he was moving,
4 because I was looking to see if he was following,
5 coming in my direction as I walked down the
6 street, but he turned around the back of the
7 house on that corner.

8 I looked back. He went all the way around
9 the house, so he was between the house on the
10 corner and the house where he lived, and I
11 assumed, okay, he's going back into his house,
12 and I kept walking.

13 But I didn't -- I don't recall anything
14 other than the fact he didn't have a coat on, at
15 that point.

16 Q. And what do you remember next after that?

17 A. Walking down Hamilton, if that's what it's
18 called, to Ledge lawn, turned onto Ledge lawn. I
19 heard sirens. Vaguely remember thinking it was
20 quite a lot of sirens, didn't think much more,
21 kept walking.

22 Then, as I started to walk down North
23 Hancock back towards the rotary, as I approached
24 it, my attention was caught by the fact there
25 seemed to be a large group of people out for a

1 walk, because it was sunny and warm, who'd
2 stopped on the corner opposite the road I was
3 coming down, as if they were going to walk down
4 towards the middle school, Diamond Middle School,
5 but they'd stopped, and they turned around and
6 they were looking back towards my direction, but
7 to the side, so over to where the gentleman's
8 house was.

9 And I thought, Oh. And in my mind, I
10 thought, I hope everything's okay, maybe those
11 were sirens to do with --

12 Q. Okay.

13 A. -- to do with this.

14 And then I noticed a man who appeared to
15 be out jogging had stopped jogging, and was stood
16 on the corner, or running, was stood on the
17 corner on his cell phone.

18 Q. Okay.

19 A. And that's what I walked up to.

20 Q. Okay. And tell -- is that somebody you knew?

21 A. No.

22 Q. Okay. And he's on his cell phone.

23 Were you able to tell anything about the
24 call, the nature of the call?

25 A. No, just he seemed a bit agitated, I would

1 say.

2 It caught my attention that he was
3 clearly -- I wasn't listening particularly to
4 what he was saying because pretty much at that
5 moment my attention was drawn to the fact there
6 were police clearly on the corner.

7 Q. Okay. And what were they doing, the police?

8 A. They were standing -- it sounded like they
9 were -- I think they were shouting -- loud
10 talking, shouting -- but pretty much immediately
11 I saw the gentleman running.

12 And that's what really caught my
13 attention, and I stopped, with my dog.

14 Q. Did you recognize the gentleman running?

15 A. Yes.

16 Q. Who was that?

17 A. The guy who lives in that house, whose name I
18 believe is Brendan.

19 Q. Okay. The person you saw earlier?

20 A. Um-hum, same -- same gentleman, and this time
21 I did notice what he was wearing because I could
22 see he had no shoes on.

23 It looked like -- I think, he had no shoes
24 on or -- and he was trying to keep his pants up
25 as he was running.

1 They were falling down, and it was making
2 him stumble, which I noticed, as he ran across
3 the rotary.

4 Q. In what direction?

5 A. So from his house, across the rotary, as if
6 you would like to go down Burlington or up Blake,
7 towards the zebra crossing -- whatever you call
8 it, crossing walk.

9 Q. Okay. And what did you observe that the
10 police were doing as that happened?

11 A. They were shouting and following him and
12 telling him to stop.

13 Q. Could you make out what they were shouting?

14 A. I recall snippets of -- I recall snippets. I
15 remember his name being used. Lots of telling
16 him to stop.

17 I remember I became aware that they must
18 have said something about, Drop the knife,
19 because I became aware he had a knife, but I
20 hadn't seen it, per se.

21 And so they were shouting, but it was
22 replaced pretty quickly as he got over the rotary
23 and he stumbled, but then he got back up, and
24 then there were some bangs.

25 Q. Okay. I'm going to show you a map.

1 A. Sure.

2 Q. I'm going to ask you to do your best to show
3 us, if you can, on the map where Brendan -- this
4 person fell.

5 (Inaudible.)

6 And here's the magic marker. You can take
7 a couple minutes to look at it and get oriented,
8 if you like.

9 A. Okay. Well, he stumbled and fell a few
10 times, so, ultimately, he ended up here, but he
11 fell here, stumbled, pretty much all the way
12 along to here.

13 Q. Okay.

14 A. So you just want me to mark where he fell?

15 Q. Why don't you do a one and a two.

16 A. A one and a two?

17 Q. One for the first place you became aware that
18 he fell --

19 A. Okay.

20 Q. -- and two for (inaudible)?

21 A. Somewhere around here, and two is somewhere
22 around here.

23 Q. All right. So just so I understand the
24 falls, one and two --

25 A. Um-hum.

1 Q. -- is there a pause or a break in the
2 movement after Fall No. 1 or is it a fall and
3 then a kind of continued running, scrambling to
4 get footing kind of thing?

5 A. I recall, I think, more of a scrambling, more
6 of a scrambling, I believe.

7 Q. And when we get to Fall No. 2 --

8 A. Um-hum.

9 Q. -- on this map, which I'm going to offer as
10 the next exhibit, where do the police officers
11 go?

12 A. So --

13 THE COURT: Seven?

14 THE CLERK: Seven.

15 (Exhibit No. 7, Map, received into
16 evidence.)

17 A. -- the zebra crossing, I remember maybe
18 three, four police officers who had come chasing
19 behind, standing around like this.

20 Q. You're motioning sort of a -- a line or a
21 semicircle?

22 A. Yes, a bit like a semicircle, I would say.
23 My attention was mainly focused on one individual
24 who had whatever, I gathered, were soft bullets
25 or whatever, something that had tried to stop

1 him, so that was really what I focused on, but I
2 know there was a police officer to either side,
3 maybe -- maybe more than one.

4 Q. What caused your attention to be drawn to
5 that particular officer?

6 A. Because I heard these very loud bangs, and I
7 was shocked and I was, like, Wow, what was that,
8 and I could see it was red -- there was red.

9 It didn't look like a -- there were guns
10 and then this looked different, this particular.

11 Q. So the coloring of the gun was different?

12 A. Or maybe what came out. I couldn't tell you
13 precisely.

14 Q. Okay. But something about it was different?

15 A. Um-hum.

16 Q. Could you make out, at that point, as they
17 take up this -- what you described as a
18 semicircle position, what is being said back and
19 forth?

20 Can you make out what the police are
21 saying to the individual --

22 A. Um-hum.

23 Q. -- and can you make out any response from the
24 individual?

25 A. Um-hum.

1 I could hear what the police were saying,
2 along the lines of, Let us help you, you're hurt.
3 They said his name again, drop the knife.

4 I didn't hear the individual saying
5 anything. I just could see he very much wanted
6 to get himself up and away.

7 Q. And what makes you say that?

8 Like, what about physically that you're
9 observing makes you say that?

10 A. That he was scrambling. He was holding --
11 trying to hold his pants and trying to -- and
12 he'd go, and then they'd say, Don't get up, or
13 something along those lines, and he'd stop, and
14 then he'd got to do it again, and then he'd stop,
15 so he was -- that's how I would describe it.

16 Q. And when is that happening compared to when
17 you're hearing the bang of the -- what you
18 believed was a --

19 A. Something non --

20 Q. -- bean bag round?

21 A. Yeah. I don't know what they're called. It
22 was after that.

23 Q. So the bean bag round --

24 A. He was down, and then they were saying,
25 You're hurt, let us help you.

1 Q. Did you hear any other similar bangs or
2 noises like what you heard?

3 A. I heard the next set of bangs, which sounded
4 very different.

5 Q. Okay.

6 A. And I'd moved position from that point.

7 Q. Okay. Before we get to that --

8 A. Um-hum.

9 Q. -- are you able to make out any response from
10 the individual, even if you can't understand the
11 words, like, just noise?

12 A. I don't recall.

13 Q. In terms of the police, whoever is doing the
14 speaking, could you tell if it's one or more than
15 one person?

16 A. I heard one. Predominantly, I heard one
17 voice.

18 Q. Can you tell us anything about the -- the
19 tone and delivery of those statements --

20 A. Um-hum.

21 Q. -- of the individual, the volume, the --

22 A. They were loud; they were clear.

23 Q. Was -- were there -- was there one or more
24 than one incident in which the individual
25 appearing to be scrambling and then you would --

1 and then there were any kind of shot-like noises,
2 that you can recall?

3 A. I may -- I may be misremembering, to be
4 completely honest, but I think I may remember two
5 sets of the bean bag, because they were very
6 jarring; one and then another set when he was
7 further over to Point No. 2, and then there was a
8 gap in time before the other bangs.

9 Q. Okay. With respect to the first set of --
10 we'll just call them bean bag shots, because
11 that's how you described them --

12 A. Um-hum.

13 Q. -- was that when he had already done the
14 second fall or was it --

15 A. Before.

16 Q. Okay. And what about the second set of bean
17 bag shots, was that --

18 A. Around there.

19 I can't recall if he'd fallen and -- or if
20 that was what caused him to then fall.

21 Q. Earlier you testified that you heard them
22 yelling something about dropping the knife or --

23 A. Yes.

24 Q. -- something about a knife.

25 A. Yes.

1 Q. Did you make any observations of the
2 individual's hands or whether he was carrying
3 anything?

4 A. Well, subconsciously I think I then realized
5 one hand was trying to hold the pants and one
6 hand was holding something, but I wasn't close
7 enough to see the knife.

8 Q. All right. And you, just a second ago, sort
9 of gestured with your -- with your left hand,
10 sort of holding something up like this.

11 A. Um-hum.

12 Q. Can you remember how that person was holding
13 their hand, holding what -- that object?

14 A. No, I -- no.

15 Q. Were you able to see whether he was moving or
16 doing anything with it?

17 A. He wasn't doing anything with it, he was
18 holding it.

19 Q. Okay.

20 A. His demeanor was more about getting away.

21 Q. As this is going on, are you aware, do you
22 have a memory of any other emergency vehicles
23 being in the area, you know, like police cars,
24 fire trucks, ambulances, things like that?

25 A. I remember a emergency vehicle coming down

1 North Hancock, so behind where I was, because for
2 a long while I noticed why is no one blocking off
3 the road, the streets, because cars were coming
4 around, people were going around the rotary
5 multiple times, so it struck me as -- what
6 worried me to -- they need to block this, so I
7 remember somebody arriving, I can't remember what
8 kind of vehicle, though.

9 That's all I recall. I was very focused
10 on how to get home at that point.

11 Q. Do you have any recollection of whether there
12 were other pedestrians or passersby in the area?

13 A. Yes, there were numerous. I mentioned a
14 group of walkers.

15 They'd gone, though, so I assume they
16 left. I remember the gentleman who lives in the
17 house on the corner was stood on his doorstep
18 outside his front door watching, the jogger, or
19 runner; the cars, I said.

20 And then around the time after Fall No. 2,
21 I decided I needed to get home, as my house was
22 directly across from where the police officers
23 were facing and where the gentleman might run,
24 and I was worried my children were going to come
25 out because it was loud, and I didn't want them

1 to come out and be right there, so I decided I
2 had to get home.

3 And as I made my way, I couldn't go -- I
4 couldn't go my usual route, I couldn't go
5 backwards because it would take too long and my
6 kids might come out, so I decided to go across
7 Hancock towards the road that leads down to
8 Diamond.

9 And as I was doing that, I saw, you know,
10 the cars lined up, and I think I mentioned, there
11 was a lady filming in her car, which caught my
12 attention, and I -- I frowned at her, because I
13 thought it was not cool.

14 And do I remember any other people? There
15 was a car. At that point I started to run.

16 Q. What do you remember about the conditions
17 that day?

18 And by that I mean the weather
19 (inaudible)?

20 A. Um-hum. It was sunny, and it was an
21 unusually warm day, because I was surprised to
22 hear it was February, because I know it was warm,
23 but I know there was still some snow and crud on
24 the ground.

25 MR. VAN EPPS: If I could just have that

1 last exhibit.

2 BY MR. VAN EPPS:

3 Q. If you could just, if it's possible for you
4 to indicate on Exhibit 7, when he gets to Fall
5 No. 2 --

6 A. Um-hum.

7 Q. -- can you give us an idea with the marker of
8 where you're observing that from, maybe just put
9 your initials where you're observing it from?

10 A. Um-hum.

11 Q. Thank you.

12 Can you take us through what you recall
13 from where you see the individual at Fall No. 2,
14 what happens through the last louder set of bangs
15 that you heard?

16 A. Um-hum. Um-hum. That's where I decided to
17 leave --

18 Q. Right.

19 A. -- so I wasn't looking this focused. There
20 was more shouting.

21 As I got to cross Hancock, around there,
22 or maybe just before there, is where I heard the
23 really loud bangs, because that was -- I was,
24 like, all right, I'm going, this sounds
25 different, I'm leaving, I need to get back to my

1 kids.

2 But I didn't see -- I heard it, I was
3 looking in that direction, but I can't tell you I
4 saw anything particularly to comment on there.

5 Q. Okay. Did you become aware of whether or not
6 one of the officers had lost his footing at some
7 point?

8 A. No.

9 Q. After you heard the louder bangs, did you
10 hear anything after that?

11 A. I ran, so no.

12 Q. You were trying to get home?

13 A. Um-hum.

14 Q. Did you become aware at that point of whether
15 there was any first aid or -- or rescue-type
16 vehicles in the area?

17 A. The route I took to get home, which took me
18 down the street towards the Diamond Middle
19 School, there's a cut-through the woods, which
20 you can see on a map probably, I took that
21 cut-through, so then came back down Burlington,
22 so I now was on the other side -- the other --
23 yeah, the other side.

24 And at that point I could see there were
25 people trying to help.

1 And I think I saw an emergency vehicle,
2 but, again, I was very focused on getting into my
3 house because my children and my husband had come
4 out, and I was trying to get them back in.

5 Q. Okay. At the last point at which you saw the
6 individual who you knew, could you tell whether
7 or not he was still holding a knife?

8 A. I could not tell anything at that point, no.
9 He was flat on the ground.

10 Q. Okay. And that was after Fall No. 2?

11 A. Yeah.

12 Q. Okay. And can you tell us anything about
13 whether he was moving or not moving and if so,
14 how?

15 A. I can't tell you.

16 Q. When the officers were --what you described
17 as a semicircle -- can you give us an idea of the
18 distance between them and the young man?

19 A. I'm not very good with distances, so I'll
20 point it out.

21 If he was lying on the ground about here,
22 they were probably around where you guys are.

23 Q. So you're indicating --

24 A. He was in the -- he was in the street on
25 the -- on the crossing, and they were on the

1 pavement area.

2 Q. Okay. And while they were in that semicircle
3 position, did you observe any of them, the
4 officers, I mean, moving or changing position?

5 A. Incrementally, maybe, in an effort to keep
6 their distance, but trying to predict, perhaps,
7 which way they were going to go. That's what it
8 looked like.

9 Q. Could you see where the individual was
10 looking?

11 Was he facing you?

12 Was he facing out?

13 A. No, he was facing -- he gave me the
14 impression he would like to scramble up Blake
15 Road, which is my street.

16 MR. VAN EPPS: If I could just have a
17 moment.

18 (Pause.)

19 MR. VAN EPPS: I have nothing further,
20 Judge.

21 THE COURT: Mr. McDonald?

22 MR. MCDONALD: No questions.

23 THE COURT: Mr. Heineman?

24 MR. HEINEMAN: Yes. Thank you, your
25 Honor.

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EXAMINATION

BY MR. HEINEMAN:

Q. Just a couple of questions, ma'am.

With regards to where you were located when you were making these observations once you stopped and were seeing things -- I haven't seen the drawing yet -- but were you essentially at the end of Hancock Street where it meets the rotary?

A. Yes.

Q. And you mentioned that there was a woman you saw who was filming.

Was she in a car on Hancock Street?

A. Not North Hancock, but Hancock.

So I'm here; she was here, yes.

Q. And at some point in time did you walk in front of her vehicle?

A. Yes.

Q. All right.

A. That's why I noticed her filming, because I looked to see.

Q. Now, using your -- your terms of Fall 1 and Fall 2, the rotary has a center section with grass.

A. Yup.

1 Q. Am I right that Fall 1 was closer to that
2 grassy --

3 A. Yes.

4 Q. And then Fall 2 was a little farther up?

5 A. Yes.

6 Q. Did you hear any of the shots which we're
7 calling the bean bag shots before Brendan fell
8 the first time?

9 A. No.

10 Q. Did you hear bean bag shots between the first
11 fall and the second fall?

12 A. Yes.

13 Q. Did you hear more bean bag shots after
14 Brendan was on the ground on the second fall?

15 A. I believe so.

16 Q. After Brendan fell the second time and was on
17 the roadway, did he ever again get up to his
18 feet?

19 A. I didn't see him get to his feet.

20 Q. And I know times are tough; that is,
21 estimated times --

22 A. Yes.

23 Q. -- but can you give me an estimate of the
24 time between Fall No. 2 and the time of those
25 final different-sounding shots?

1 A. That's very hard.

2 It wasn't seconds; it wasn't ten minutes,
3 I don't think. Somewhere...

4 MR. HEINEMAN: Thank you, ma'am.

5 That's all the questions I have.

6 THE COURT: Thank you.

7 MR. MCDONALD: If I could?

8 THE COURT: Sure. Go ahead.

9 MR. MCDONALD: Thank you.

10 EXAMINATION

11 BY MR. MCDONALD:

12 Q. Ms. Newman, you said several times that at
13 some point you became extremely focused on
14 getting home because of fear of that your
15 children --

16 A. Yes.

17 Q. -- were out.

18 On those occasions, did you distract your
19 vision from what was going on?

20 A. No.

21 Q. At all times you're saying you --

22 A. Because I couldn't see my house. It was more
23 of a mental --

24 Q. Okay.

25 A. -- a mental worry.

1 Q. So did you -- were you interviewed by the
2 State Police shortly after this event?

3 A. I don't recall exactly who it was. I walked
4 down -- so I went home.

5 Later on, when I heard that the gentleman
6 had died, I went outside, because there were
7 still lots of people there and I asked, Should I
8 speak to somebody? I saw what happened.

9 And then I did give a statement to a
10 gentleman, who I have seen since, but I can't
11 remember his name.

12 Q. Okay. And did -- did he tell you he was a
13 police officer --

14 A. Yes.

15 Q. -- with some agency?

16 A. Yes.

17 Q. And I have here a report that he drafted
18 after he met with you, and I'd like to draw your
19 attention to a sentence that he put in here and
20 see if that refreshes your recollection, if I
21 may.

22 A. Um-hum.

23 Q. You said -- he says, Newman then observed a
24 police officer fall on his back while trying to
25 create distance between himself and Reilly.

1 Does that refresh your recollection of
2 ever saying that?

3 A. No. To be clear, I didn't say that.

4 I was asked, Did I see the police officer
5 fall; and I said, No, I didn't see that.

6 Q. Okay. Did you see -- you said you found out
7 that Mr. Reilly was deceased later on.

8 Did you actually see him being shot?

9 A. I don't think so.

10 Q. Okay. And did you see him fall down after he
11 was shot?

12 A. He was already in a down position, so I
13 didn't see any falling, per se.

14 MR. MCDONALD: Thank you.

15 That's all I have.

16 EXAMINATION

17 BY MR. HEINEMAN:

18 Q. Just a clarification.

19 If the police report says that you saw --
20 you said you saw the officer fall on his back,
21 that's wrong?

22 A. Correct.

23 Q. You have a memory --

24 A. Because I didn't --

25 Q. -- of what you saw that day --

1 A. I didn't --

2 Q. -- and you never saw the police officer fall
3 on his back?

4 A. No.

5 Q. Thank you.

6 A. No.

7 THE COURT: Anything on that?

8 MR. VAN EPPS: Just a second, Judge.

9 Nothing further.

10 THE COURT: Thank you, ma'am.

11 (Witness excused.)

12 (Inaudible discussion.)

13 MR. VAN EPPS: Thomas Wetmore.

14 THE COURT: And if we need to suspend at
15 three and -- that's fine.

16 MR. VAN EPPS: Yeah, (inaudible).

17 We'll deal with the (inaudible)

18 the -- (inaudible).

19 THE COURT OFFICER: Sir, if you just stop
20 right there and face the clerk and raise your
21 right hand, please.

22 THE CLERK: Sir --

23 THE COURT: You don't have to raise your
24 right hand. You're good.

25 THE CLERK: Do you solemnly swear or

1 affirm the testimony you will provide the Court
2 today will be the truth so help you God?

3 THE WITNESS: Yes.

4 THOMAS WETMORE, SWORN

5 THE COURT OFFICER: Right this way,
6 please.

7 I'm just going to ask you to be careful.

8 THE COURT: And, Mr. Wetmore, before we
9 get started, I just want to let you know a couple
10 of things.

11 The proceeding that we're doing here is a
12 closed proceeding.

13 It's a private, basically, investigatory
14 proceeding until at some point it's going to
15 be a -- a report that's generated by me following
16 the inquest.

17 I can't order you not to talk about what
18 your testimony is, but I'd ask that if you could,
19 to refrain from discussing what you testified to,
20 all right?

21 But I can't order you to do that, all
22 right.

23 EXAMINATION

24 BY MS. GEMMILL:

25 Q. Good afternoon, sir.

IMPOUNDED TRANSCRIPT

1-195

1 A. Hello.

2 Q. Can you tell us your first and last name and
3 spell them both for the Court?

4 A. Thomas Wetmore, T-H-O-M-A-S, W-E-T-M-O-R-E.

5 Q. How old are you as you sit here today, sir?

6 A. Thirty-five.

7 Q. Can you tell us your date of birth?

8 A. December 6th, '87.

9 Q. Where do you live currently?

10 A. 23 Exeter Street in Arlington, Massachusetts.

11 Q. How long have you lived at that address?

12 A. About three years, three and a half years.

13 Q. Do you regularly travel through the Town of
14 Lexington for, you know, various things in your
15 life?

16 A. Very frequently.

17 Q. What brings you into Lexington?

18 A. I'm usually riding my bike through to get to
19 quiet roads.

20 Q. Are you -- would you describe yourself as an
21 avid cyclist?

22 A. Yeah, I do about 250 to 300 miles a week when
23 the weather permits.

24 Q. Are you -- did you say 250 to 300 miles a
25 week?

1 A. (No audible response.)

2 Q. Sorry, you need to say yes or no.

3 A. Yes.

4 Q. Yes?

5 A. Yes.

6 Q. Sir, do you currently work?

7 A. Yes, I do.

8 Q. What do you do for work?

9 A. I am in account management. I work for a
10 healthcare IT firm.

11 Q. Okay. I'm going to turn your attention now
12 to February 12th of 2022.

13 Did your plans on that particular day take
14 you into Lexington?

15 A. Yes. I was doing a cycling route going
16 through Lexington.

17 Q. Okay. And, I apologize, can you maybe scoot
18 a little closer to your microphone?

19 THE COURT: And just so it's clear, I can
20 hear him fine.

21 MS. GEMMILL: Okay. I'm just having a
22 little bit of trouble.

23 THE COURT: Sure.

24 MS. GEMMILL: I apologize.

25 BY MS. GEMMILL:

1 Q. So you were on a cycling route.

2 Where were you traveling from. Like, what
3 was your path that day?

4 A. So I started in Arlington, and I was going,
5 generally speaking, northwest.

6 Q. And obviously when we're talking about a
7 bike.

8 Are we talking about, like, a two-wheel
9 bicycle, not a motorcycle, correct?

10 A. Yes, two-wheel, pedal bicycle.

11 THE COURT: Hopefully that's not how the
12 shoulder injury happened.

13 THE WITNESS: It is.

14 THE COURT: I figured it was.

15 BY MS. GEMMILL:

16 Q. When you're on a bike ride, when you're on
17 that bike ride that day, were you cycling alone
18 or did you have a (inaudible) of people you were
19 out with?

20 A. I was by myself.

21 Q. Is there any kind of equipment that you were
22 using on that day to record your cycling trip,
23 your ride?

24 A. Yes.

25 I have a Garmin GPS unit that I record

1 pretty much all of my rides on.

2 Q. Does that connect to some kind of application
3 that helps you analyze and look at your data
4 later on?

5 A. So that data gets uploaded to a variety of
6 services.

7 The most common one, or most popular one,
8 is called Strava, so the route that I went on
9 that day is readily accessible on the Internet.

10 Q. Okay. And that's Strava, S-T-R-A-V-A,
11 correct?

12 A. That's correct.

13 Q. Okay. And did you, in fact, have your route
14 from that day saved on Strava?

15 A. Yes.

16 Q. So I'm going to turn your attention now to
17 sort of midday.

18 Were you traveling into Lexington a little
19 bit before 1:00 in the afternoon?

20 A. Yes.

21 Q. Okay. Can you describe to us what path you
22 would take through Lexington on that day?

23 A. So that day I was heading away from Lexington
24 Centre, on, I believe it's Hancock Street, going
25 towards -- going towards the rotary.

1 Before that, I was going to head towards,
2 I believe, Page Road and Grove to get out further
3 from more densely populated areas.

4 Q. Is that a route you've taken before?

5 A. Very frequently.

6 Q. Okay. So as you're traveling up Hancock
7 Street towards that rotary, did something catch
8 your attention?

9 A. As I entered the rotary, I noticed several
10 police, police cars, and, yeah, I stopped because
11 the road was -- was blocked off.

12 Q. Do you recall about where you came to a stop?

13 A. Yes, just about the -- if you're looking at
14 the rotary as a -- as a clock, I'd guess it's,
15 like, four or five o'clock.

16 Q. Okay. And as part of this investigation, did
17 you have a chance to speak with police officers
18 on multiple occasions?

19 A. I did not speak with them, I would -- I heard
20 the police officers speaking and yelling.

21 Q. I apologize, I don't mean on that day.

22 After this incident, did you have a chance
23 to talk to officers and tell them what you'd
24 seen?

25 A. Yes. I called the Lexington police and

1 received a phone call from a detective and I gave
2 my account of -- of events.

3 Q. Okay. And later on, were you able to provide
4 your Strava data from that day to investigators?

5 A. Yes.

6 I provided the raw doc FIT file, as well
7 as a link to the ride itself.

8 Q. Okay. Mr. Wetmore, I'm going to show you a
9 map and ask you if you recognize this.

10 Sir, do you recognize what's depicted in
11 this -- this chart?

12 A. Yes.

13 This is the part of the ride where I
14 mentioned I would -- arrived at the rotary when I
15 saw the -- the police action.

16 Q. Okay. And is this sheet taken from your
17 Strava data on that day, including the map of you
18 going through the rotary and then speeds
19 associated with that?

20 A. Yes, exactly.

21 And this -- actually, yes, I don't need to
22 expound and answer your question. Yes.

23 Q. And can you explain to us, are there
24 different -- is there a line that goes through
25 that map that represents something significant to

1 you?

2 A. Yes.

3 So the reason there's a straight line that
4 goes not over roads is because the Garmin was
5 paused at the end of the red line and didn't
6 begin recording again until the end -- the red
7 line begins again.

8 The blue line is what I've highlighted
9 to -- to show this period of time, this 47
10 seconds, and my Garmin was not recording data due
11 to being auto paused at that point in time.

12 Q. Okay. So the red line on the right side of
13 this map shows your path on your bike up to the
14 rotary, correct?

15 A. Correct.

16 Q. And then you come to a stop at that sort of
17 apex point, correct?

18 A. Yup, where the blue and red meet on the
19 right-hand side of the map, correct.

20 Q. And then on the left-hand side of this map
21 where the red line starts again, is that where
22 your -- you started up your GPS again?

23 A. Exactly, yes.

24 Q. Okay. And so you had to cross that rotary,
25 but you weren't recording and that's reflected in

1 that blue line there?

2 A. Exactly, yes.

3 Q. Okay. And you were able to actually measure
4 how much time passed from your first pause until
5 you started again; is that correct?

6 A. Yes, and that's evident on the sheet. And
7 it's 47 seconds.

8 Q. Forty-seven seconds.

9 Does that reflect the amount of time you
10 stayed stopped in the rotary on that day?

11 A. Yes, with the only caveat that the auto pause
12 takes a second or two to start, and then because
13 of the difference between the start point and end
14 point, there's probably a few seconds, but, yes,
15 that's very close to the amount of time I was
16 stopped.

17 Q. Okay.

18 MS. GEMMILL: I'd ask that this be
19 introduced as our next exhibit, please.

20 THE CLERK: No. 8.

21 THE COURT: Thanks.

22 (Exhibit No. 8, Bike Route, received into
23 evidence.)

24 BY MS. GEMMILL:

25 Q. So, Mr. Wetmore, I'm just going to have you

1 mark on Exhibit 8 for us with this marker here.

2 If you can just put your initials by that
3 little corner where you first came to a stop --

4 A. Yup.

5 Q. -- in the rotary for us.

6 That's (inaudible)?

7 A. No, that's okay.

8 Q. Okay. And then if you want to just put a
9 number two next to the part where you started up
10 again. Okay. Thank you.

11 Okay. So you come into the rotary on
12 Hancock Street, you come to a stop.

13 Can you describe for us what you could see
14 when you first came to a stop at that moment?

15 A. There were police, police cars, and the thing
16 that stuck out most was there were police with
17 their guns drawn on an individual in front of me.

18 Q. Okay. How many police officers could you
19 see?

20 A. With -- with weapons out I saw three, but
21 there was another one in the rotary, and I assume
22 others, but I can say four at least.

23 Q. How many -- could you see what kinds of
24 weapons those three officers had out?

25 A. My -- my recollection, which it's been some

1 time, is that one had a -- what looked to be a
2 shotgun.

3 There was another with more, I believe an
4 assault-style weapon, and another, I believe, had
5 a pistol.

6 Q. Okay. Did you notice anything about the
7 color of the gun that looked like a shotgun to
8 you?

9 A. Black.

10 Q. Black?

11 A. Yeah.

12 Q. Did you notice the color of the gun that
13 looked like a handgun?

14 A. I believe that was also black.

15 Q. And how about the gun that looked more like
16 an assault-style rifle, what color was that?

17 A. I believe that was also black.

18 Q. Okay. Do you recall seeing any other
19 different colors on any of those weapons besides
20 black?

21 A. I do not.

22 Q. Okay. You also mentioned that there was --

23 THE COURT: Counsel, can I just take a
24 look at that exhibit while we're --

25 MS. GEMMILL: Yes, of course.

1 THE COURT: -- (inaudible) questions?

2 Thanks.

3 MS. GEMMILL: I'm handing the Court
4 Exhibit 8.

5 THE COURT: Thank you.

6 BY MS. GEMMILL:

7 Q. So how far -- you mentioned that there was
8 also a man in the road.

9 A. Yes.

10 Q. Is it fair to say that man didn't appear to
11 be a police officer, correct?

12 A. He was definitely not a police officer.

13 The police were yelling at him, many
14 things that he -- yeah.

15 Q. Where was he positioned when you first
16 noticed him?

17 A. He was -- I believe he was -- if I could just
18 see a map of the rotary, but he was in between
19 two of the roads.

20 So if you look at where I was stopped on
21 the rotary in that direction is exactly and
22 basically the way I was going. He was -- at that
23 moment in time.

24 Q. And, sir, I'm going to show you, actually, a
25 map of that rotary.

1 A. Um-hum.

2 Q. (Inaudible) map.

3 And I'm going to give you back this marker
4 here.

5 Do you see on the map I just handed you
6 the area that you came to a stop on your bicycle?

7 A. Yes. I came to a stop about here.

8 Q. Okay. Do you want to just put your initials
9 next to the spot where you indicated you came to
10 a stop?

11 Okay. And can you draw a little -- little
12 dots for us, like, one, two, and three where you
13 could see those police officers.

14 A. I think they were --

15 Q. Okay. And you've written, like, a little
16 one, two, three in that area?

17 A. Yup. I have horrible handwriting.

18 Q. That's okay.

19 (Inaudible.)

20 A. I just -- I can't take this off.

21 Q. No, no, no, it's okay.

22 A. I'm not -- as long as I don't move my
23 shoulder in a weird way, I'm not in pain, so...

24 Q. We want to make sure you don't get injured
25 here in our court.

1 A. Yeah.

2 Q. And then if you want to just draw a circle
3 for us where you could see the man.

4 Okay. Thank you.

5 MS. GEMMILL: I'd ask that this be
6 entered as the next exhibit.

7 THE COURT: Exhibit 9.

8 (Exhibit No. 9, Map, received into
9 evidence.)

10 BY MS. GEMMILL:

11 Q. So, sir, just showing you Exhibit 9 again
12 that you were just looking at.

13 A. Yeah.

14 Q. There we go.

15 Did you see the man moving any closer to
16 those police officers or the police officers
17 moving closer to him while you were watching?

18 A. No.

19 The man was on the ground and he was --
20 from the brief period I was stopped, he was
21 trying to get up.

22 Q. Okay. Can you describe what he was doing
23 with his body?

24 Like, what did you see?

25 A. I saw that he was -- let's pretend I'm on the

1 ground.

2 He was essentially leaning back, like, I
3 don't know, I guess I need to describe it for --
4 he was trying to get up while, like, slightly
5 leaning onto his right side.

6 Q. Okay. And you could have had your feet
7 extended out, right?

8 A. Yeah, because his -- his -- he was -- I mean,
9 yeah.

10 He was lying on the -- he had been on the
11 ground and he was trying to get up.

12 His feet were -- I mean, yeah, I don't
13 know how to describe it.

14 Q. Okay.

15 So what you were doing with your body, you
16 had extended your legs out in front of you, and
17 he had -- did he have --

18 A. Yeah --

19 Q. -- his legs out in front of him?

20 A. Not straight like a plank.

21 I mean, he -- my recollection, he was just
22 kind of on his side, maybe bent like this is a
23 more accurate description.

24 Q. Okay.

25 A. But he was on his side trying to get up.

1 Q. And you're kind of tilting your knees a
2 little bit, kind of going onto your right side a
3 little bit?

4 A. Yeah. That's my recollection, is that he was
5 tilted, kind of towards me.

6 I could see more of his torso than I could
7 his back.

8 Q. Could you see anything about this man's
9 hands?

10 A. No.

11 Q. Could you see how he was trying to lift
12 himself up?

13 A. He was trying to push himself up, I believe,
14 with one of his arms.

15 Q. Okay. But you couldn't see what his hands
16 were doing?

17 A. I did not notice what his hands were doing.

18 Q. Did you notice anything about his physical
19 appearance that was significant to you?

20 A. He looked -- he looked very unhappy, like --

21 Q. Describe to us what makes you say that.

22 A. Yeah.

23 I guess it's just a frustrated body
24 language; and maybe that's me reading into it,
25 having heard the police officers shouting orders

1 and him not doing what -- they were telling him
2 to stay on the ground and he was, in my view,
3 trying to get up.

4 (Inaudible discussion.)

5 MS. GEMMILL: Your Honor, mindful of the
6 time --

7 THE COURT: Yes.

8 MS. GEMMILL: -- we might have to take a
9 quick break from Mr. Wetmore's testimony.

10 THE COURT: So, Mr. Wetmore, we have
11 somebody that's coming on by video conference --

12 THE WITNESS: Okay.

13 THE COURT: -- in about three minutes.
14 Can I just ask you to step outside, and we will
15 get back to you in probably about 15, 20 minutes?

16 THE WITNESS: Okay.

17 MS. GEMMILL: And I will take Exhibit 9
18 back from you, sir, and return it to
19 Mr. (inaudible).

20 Here you are.

21 (Pause.)

22 THE COURT: Mr. Van Epps, do we have to
23 switch off of the ELMO or is that -- does it need
24 to go with different --

25 MR. VAN EPPS: I'm going to try to get

1 the picture on here.

2 THE COURT: Oh, okay.

3 MR. VAN EPPS: But --

4 THE COURT: Perfect.

5 MR. VAN EPPS: First, I'm going to try to
6 get the (inaudible).

7 (Pause.)

8 MR. VAN EPPS: Sorry, your Honor. I just
9 need a minute.

10 THE COURT: Okay.

11 (Pause.)

12 THE COURT: I can't put my laptop -- the
13 laptop -- not yet. There's no -- Ethernet
14 (inaudible) Wi-Fi. There's no Ethernet.

15 I think it's plugged into -- I think the
16 blue is connected to the --

17 THE CLERK: To there nowadays, yeah.

18 THE COURT: We should have two. We
19 should have one that's black.

20 THE CLERK: Yeah.

21 THE COURT: And the other one --

22 THE CLERK: The connector that I have,
23 the purple ones are running to the FTR.

24 THE COURT: Oh, okay.

25 THE CLERK: I've got --

1 THE COURT: What's under here?

2 MS. GEMMILL: We have extra Ethernet
3 cables in case there's a possibility of --

4 THE COURT: No, all the jacks are taken.

5 MS. GEMMILL: Oh.

6 THE COURT: So those are two reasons for
7 me asking.

8 One I was going to bring my laptop out,
9 but the other one is we need to set you guys up.

10 THE CLERK: Yeah, this courtroom isn't --

11 THE COURT: And not -- just the whole
12 building.

13 THE CLERK: Courtroom 3 (inaudible) just
14 had a (inaudible).

15 THE COURT: You guys did -- you did have
16 them?

17 THE CLERK: Yeah. Courtroom 1 and 33
18 (inaudible) as of the beginning of this week on
19 Monday.

20 THE COURT: Oh, good.

21 THE CLERK: This courtroom (inaudible).

22 THE COURT: I doubt they will.

23 THE CLERK: This is what our --
24 (inaudible).

25 THE COURT: Yeah, I just find you don't

1 really need it.

2 I'm actually just going to step off for a
3 minute and grab my water.

4 THE COURT OFFICER: Court.

5 All rise.

6 Court will be in a brief recess. You may
7 be seated.

8 (3:03 p.m. court in recess.)

9 (3:04 p.m. court resumes.)

10 THE COURT OFFICER: You may be seated.

11 THE COURT: Give them a break because
12 these benches are rough.

13 UNIDENTIFIED SPEAKER: I know.

14 THE CLERK: Judge, you want me to come
15 (inaudible)?

16 THE COURT: Might as well. Might as well
17 do that.

18 THE CLERK: I'm (inaudible) set up.

19 (Pause.)

20 (Inaudible discussion.)

21 (3:05 p.m. court in recess.)

22 (3:16 p.m. court resumes.)

23 THE COURT OFFICER: You may be seated.

24 Court is in session.

25 THE COURT: Can he see us okay?

1 MR. VAN EPPS: I believe Mr. Mattoon can
2 see us and hear us.

3 THE COURT: All right.

4 Is that correct, Mr. Mattoon, you can
5 hear us okay?

6 MR. MATTOON: Yeah, I think people who
7 are a little farther away, it might be a little
8 muffled, so if I ask --

9 THE COURT: The main thing is, yeah, the
10 microphone.

11 MS. GEMMILL: Right.

12 MR. MATTOON: Yeah.

13 MS. GEMMILL: I don't know if he can see
14 the (inaudible).

15 MR. VAN EPPS: Judge, what I was going to
16 suggest is because of -- I wanted you to be able
17 to see the screen, and the cameras's looking at
18 you, I --

19 THE COURT: Yup.

20 MR. VAN EPPS: -- might ask ADA Gemmill
21 to maybe stand by the witness chair and use that
22 microphone.

23 THE COURT: All right. So let me ask
24 this.

25 Is this through FTR? Are we connected --

1 is he connected through FTR?

2 THE CLERK: So our -- that -- yes, your
3 Honor.

4 THE COURT: Okay.

5 THE CLERK: Our FTR telephone is --

6 THE COURT: Is dialed in to him?

7 THE CLERK: -- dialed --

8 THE COURT: Perfect. Okay. Then he
9 should be able to hear us through the
10 microphones, et cetera, as opposed to us having
11 to use the laptop.

12 THE CLERK: Correct, your Honor.

13 THE COURT: Okay.

14 THE CLERK: As long as we speak into --
15 towards the microphones --

16 THE COURT: Right.

17 THE CLERK: -- on the (inaudible), we
18 should be all set.

19 MS. GEMMILL: And, your Honor, do you
20 mind if I sit at the blue chair --

21 THE COURT: That's totally fine.

22 MS. GEMMILL: I'm hoping he can see me.

23 THE COURT: That's fine.

24 MS. GEMMILL: Thank you.

25 Okay. I'm not sure.

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SCOTT MATTOON
EXAMINATION

BY MS. GEMMILL:

Q. Can you hear me okay, Mr. Mattoon?

A. Yes, I can.

Q. Okay. Good afternoon, sir.

Can you please tell us your first and last name and spell them both.

A. Scott Mattoon. Scott is S-C-O-T-T. Mattoon is M-A-T-T-O-O-N.

THE CLERK: And, your Honor, I'm sorry, I'm just going to swear him in very briefly.

THE COURT: Yes.

THE CLERK: Mr. Mattoon, do you solemnly swear or affirm that the testimony you will provide the Court today will be the truth so help you God?

THE WITNESS: I do.

SCOTT MATTOON, SWORN

THE COURT: Go ahead.

MS. GEMMILL: Thank you.

BY MS. GEMMILL:

Q. Sir, can you tell us how old you are?

A. Fifty-three.

Q. What is your date of birth?

1 A. May 12, 1969.

2 Q. In February of 2022, where were you living?

3 A. Seven Royal Circle in Lexington.

4 Q. Where do you live now?

5 A. I now live in Oakland, California.

6 Q. All right. And are you Zooming with us from
7 Oakland, California, today?

8 A. Correct.

9 Q. Okay. Sir, are you employed?

10 A. I am.

11 Q. What do you do for work?

12 A. I'm an education administrator.

13 Q. Okay. I'm going to turn your attention to
14 February 12th of 2022.

15 Were you in Lexington on that day?

16 A. I was.

17 Q. All right. And did your plans on that
18 particular Saturday take you towards the area of
19 the rotary in the Hancock Street area in
20 Lexington?

21 A. Yes. I was going for a distance run.

22 Q. A distance run?

23 A. Yup.

24 Q. When you were going for a run, were you by
25 yourself, or were you running with anybody else?

1 A. By myself.

2 Q. Okay. Do you regularly -- at that time, were
3 you regularly running through that rotary area?

4 A. I -- I had run through that rotary area for
5 about a seven-year period but at varying times,
6 depending on the day.

7 Q. Okay. Would you say you were familiar with
8 the roads and the homes in that area?

9 A. Yes, I am.

10 Q. Okay. So around midday on that day, were you
11 running through the area of the Hancock Street
12 rotary?

13 A. I was.

14 Q. Did something catch your attention as you
15 were headed through that area?

16 A. Yes. As I crossed through the rotary and
17 landed on -- on the sidewalk, I heard a man from
18 the second-floor window kind of yelling
19 frantically about needing help because someone
20 was going to kill him.

21 Q. Now, did you hear this man before you saw
22 him?

23 A. I heard him before I saw him.

24 Q. Okay. About how far away from the house
25 where this man was yelling from were you at the

1 time you first heard that voice?

2 A. I was at the -- on the sidewalk where it met
3 the driveway to the house, so I would -- I would
4 guess I was about -- I want to say maybe 50 feet
5 from that second-floor window.

6 Q. Now, was that five, zero or one, five?

7 A. I'm sorry, five zero.

8 Q. Okay.

9 A. That's just a best guess.

10 Q. The house at that address, was that
11 98 Hancock Street?

12 A. That was my understanding, yes.

13 Q. Okay. So you hear the voice.

14 What do you do when you hear that voice
15 calling?

16 A. I ask -- when it first caught my attention, I
17 asked what was wrong; and he repeated that he was
18 trying to kill me, someone's trying to kill me.

19 I asked him to repeat what he was saying,
20 just to make sure I heard what I thought I heard.

21 Q. Were you able to look to see where this man
22 was yelling from?

23 A. Yes.

24 At that point I could -- I could -- I made
25 face contact with the person.

1 Q. Okay. And where was that person located?

2 A. In the second floor -- in a second-floor
3 window, I believe.

4 It was one of those windows that -- well,
5 let's see. No, it was -- I believe it was the
6 second-floor window on the kind of right side of
7 the house as you're looking at the house.

8 Q. Can you describe what that man looked like?

9 A. Yes.

10 So, I mean, from a distance, he had dark
11 hair. He was wearing a hoodie, but I could see
12 kind of mid-length dark hair up front, and some,
13 like, light brown skin.

14 I -- I asked him, when I had made a 911
15 call, to describe himself, because that's what I
16 was being asked to do.

17 And then this person described himself as
18 his being of, as he put it, he said he was of
19 Chinese -- he was Chinese, and 27 years old.

20 Q. Okay.

21 A. So...

22 Q. You mentioned calling 911.

23 Did you call 911 in response to this man
24 yelling for help?

25 A. I did, yes.

1 Q. Okay. Was that on your cell phone?

2 A. Yes.

3 Q. Did you actually talk to a 911 operator that
4 day --

5 A. I did.

6 Q. -- or to a dispatcher? Okay.

7 A. Yes.

8 Q. All right. And did you tell 911 what you
9 observed?

10 A. I did.

11 Q. Okay.

12 A. I said simply I heard a man who was -- who
13 seemed in distress, and was -- who was yelling
14 frantically that, Please help, please help,
15 someone was trying to kill him.

16 Q. The time you were interacting with the man in
17 the window, could you see anybody else in the
18 house with him or in the window with him?

19 A. I could not.

20 Q. Okay. At that time, did you see anyone else
21 outside of his house, like, in the vicinity of
22 the yard, that kind of thing?

23 A. I did not see anyone else who I might have
24 thought to be a resident of that house outside of
25 the house.

1 There was a woman in a car, who did not
2 live there, who also had heard this man's voice
3 who had pulled into the driveway.

4 That was the only other person that I saw
5 on the property at that moment.

6 Q. Did you stay to wait for the police?

7 A. I did.

8 Q. Okay. Did you see anyone else come out of
9 the house while you were waiting for police?

10 A. While I was waiting for police, yes.

11 A white male came out of the house and
12 walked down the driveway toward the car, that the
13 woman who had been parked in -- the woman I
14 mentioned previously.

15 And the person approached, was approaching
16 that car slowly, and making a -- a gesture,
17 putting his finger up to his mouth, as if to
18 say, shush or be, you know, quiet or be calm, but
19 the -- the woman started backing out and then was
20 driving away.

21 Q. Okay. Did you talk to that woman at all
22 before she left the scene?

23 A. Before she left the scene?

24 No, I did not have any more conversation
25 with her.

1 Q. Okay. At some point did you talk to her
2 about how you had called the police?

3 A. Yes.

4 So I -- I had suggested that she -- I
5 think she asked me, you know, if I had a sense of
6 what was going on.

7 But she had clearly sensed that something
8 was not -- not quite right or not seeming right.

9 And I suggested that she stay and at -- at
10 that point she was parked in a driveway; and I
11 suggested she stay, because she was in a car and
12 I did not have a car.

13 And at that moment, my son, who's in
14 college in North Carolina, happened to call me at
15 the time, and so I took that call and at that
16 point I kind of walked down the sidewalk a bit
17 away from the -- the driveway, but that was the
18 extent of the conversation I had with the woman
19 in the car.

20 Q. Okay. Could you -- did you notice anything
21 else about that white male when he was
22 approaching the woman in the car, making a
23 shushing sound?

24 A. He was wearing, I believe, a white T-shirt,
25 and maybe some, like, light gray shorts,

1 something along those lines, just very casual
2 dress --

3 Q. Okay.

4 A. -- dark hair.

5 And it was when -- when I saw him walking
6 toward the car with the woman in it and making
7 that shushing gesture, he was walking slowly, but
8 it -- it just seemed -- it seemed unclear or a
9 bit confusing what his intention was; and not
10 meaning to assume anything bad or good about
11 that, just -- it just seemed a little -- it
12 didn't seem like -- it didn't seem like a -- kind
13 of a usual interaction that he was trying to make
14 with the woman.

15 Q. Did you notice whether he was holding
16 anything at that point in his hands?

17 A. I did -- yeah, I did not notice if he was
18 holding anything at that point.

19 He -- he was doing the shushing gesture
20 with one hand.

21 I believe the other hand was, like,
22 (indiscernible) at his side or behind his back,
23 but I did not -- I can't say that I -- I could
24 not see if there was anything in his hand.

25 Q. Okay. As the woman leaves, does this man

1 have any interaction with you at that point?

2 A. Yes.

3 Once the woman leaves, he then sees me a
4 bit down the sidewalk from the driveway and I'm
5 on the phone with my son at that point.

6 And then he started to head toward me, and
7 when I sensed that, I walked -- I turned and
8 walked up the sidewalk up the circle a little
9 ways; and then he stopped and went back toward
10 the house, and I just stayed in my new position
11 there.

12 Q. Could you see where he went once he went back
13 towards the house?

14 A. Back down the driveway and kind of to
15 the -- that side of the house that the
16 driveway -- you know, the driveway was on the
17 right side of the house as you were facing the
18 house, and then he was behind trees and I
19 couldn't really see much more than that.

20 Q. All right. So you lost sight of him at that
21 point?

22 A. I did.

23 Q. Did police officers arrive in response to
24 your 911 call?

25 A. Yes.

1 Q. Did you --

2 A. One officer arrived -- I'm sorry.

3 Q. No.

4 So did -- how many officers did you see
5 arrive at first?

6 A. At first was one officer --

7 Q. Okay.

8 A. -- who parked the car near the entrance to
9 Diamond Middle School, on that part of the
10 rotary, and then walked over, crossed over
11 Hancock Street to the property.

12 And -- yeah, that was -- that was the
13 first officer who came.

14 Q. Okay. Did you see where that first officer
15 went after crossing onto the property?

16 A. Down the driveway, but then, again, from
17 where I was, I lost sight after the officer went
18 behind the trees.

19 I -- it -- there was a sense that maybe it
20 was kind of to the side of the house or behind
21 the house, similar to the -- the man I was
22 describing before.

23 Q. Did you see that officer come back out from
24 the property pretty quickly after that?

25 A. I don't know if it was quickly, but it wasn't

1 long.

2 And that officer did come back to the car
3 and got -- if I'm recalling correctly, got a
4 firearm that had bright orange kind of pieces to
5 it.

6 It sort of had the look of a gun that did
7 not have live ammunition, and I just maybe wonder
8 if that was, like, a rubber bullet type of gun or
9 something like that.

10 Q. Okay. Was the whole gun orange or just part
11 of it?

12 A. Just part of it.

13 Q. Okay. And was it, like, a long gun, like a
14 rifle, or was it smaller, like a handgun?

15 A. Yeah, rifle -- more, like, rifle-style.

16 Q. Okay. Where did he go once he got that --
17 that longer -- that gun out of the car?

18 A. Then he headed back down the driveway to the
19 property to the same area, I presume, the area
20 that I couldn't see.

21 At that point, also, you know, a couple of
22 other officers had arrived and kind of joined
23 back there as well.

24 Q. All right. You saw the other officers go
25 back towards the house as well?

1 A. Yes.

2 Q. Could you see, was it -- how many officers
3 was that, that second bunch of officers?

4 A. So two arrived after the first one, so three
5 total.

6 Q. Okay. Could you see whether the two new
7 officers were carrying any kind of weapon?

8 A. I believe that they -- I believe one was
9 carrying a similar rifle style as the first
10 officer I described.

11 Q. Okay. Could you hear anything once the
12 officers were back by the house?

13 A. Yes.

14 I mean, not at first, but at some point
15 voices got louder, and just here and there, it
16 was a bit louder for a bit and then quiet for a
17 bit, and then louder again and some commotion and
18 then some quiet.

19 And so it -- I couldn't make out words,
20 but the occasional word or two just left me with
21 an impression that they were trying to engage a
22 man to come with them.

23 That's the best sense that I had.

24 Q. You said you could hear voices.

25 Was it more than one person whose voice

1 you could make out?

2 A. Yeah. It felt like it was -- it was voices
3 between the officer and the man.

4 Q. Okay.

5 A. In other words, it sounded like -- there was
6 no, like, clear pattern to it.

7 There was a man, the man was getting
8 louder first, and then the officers were trying
9 to respond to that.

10 And then after some quiet, the officers
11 would try to say something again and then the
12 man's voice would come.

13 That was the best sense that I had. I
14 really couldn't make out the details of what was
15 being said.

16 Q. Did you tell anything about the tone of voice
17 of the man when you could hear his voice?

18 A. It sounded -- it sounded, I don't know, the
19 word that jumps to mind is kind of defensive.

20 Q. Okay.

21 A. And a sense of -- a sense of concern about
22 being trapped.

23 Q. Okay. So some tones of agitation?

24 A. Yes, yes. That would be fair to say,
25 agitation.

1 Q. Could you hear any of the words that the man
2 was saying at that point?

3 A. I could not.

4 Q. All right. So you're -- you're listening to
5 this.

6 What do you see happen next?

7 A. Then after this goes on for a bit, all of a
8 sudden the man is running down his driveway into
9 the street of the rotary and then across the kind
10 of grassy tree area of the rotary and onto the
11 other side on the -- the other side of that
12 center part of the rotary in the road and on
13 that -- while he was running over there, he -- he
14 was running at a -- kind of a sprint, and had
15 tripped maybe two or three times on his way and
16 then the -- the three officers were kind of
17 following suit themselves.

18 Q. The man that you saw running, did you
19 recognize him from earlier that afternoon?

20 A. It was the same man.

21 Q. Okay. This is the same man that was, you
22 know, had the shushing sign who had come out of
23 the house?

24 A. Correct.

25 Q. Okay. Were the officers running in pursuit

1 of him, or walking, or how were they moving?

2 A. At first they were jogging -- I would say
3 more like jogging after him.

4 And when it was -- I think when it was
5 clear that he was tripping in his sprint, the
6 man, they were kind of a mix of jogging and
7 walking to just kind of keep up.

8 Q. Could you hear any of those officers saying
9 anything while they were pursuing this man?

10 A. I don't recall specific words being said.

11 At that point it might have been -- here,
12 I'm a little fuzzy, but I feel like there was a
13 sense of, you know, please, to hold on, something
14 along those lines.

15 Q. Okay. Did you hear any sounds that sounded
16 like something besides the voices?

17 A. Well, yeah.

18 So after -- after the man had tripped into
19 the road and had -- had fallen onto his back and
20 he tried to get up, the -- that was the first
21 round of what I believe were kind of rubber
22 bullets, and -- to just try to -- to have the man
23 kind of dismissed, and at the same -- and after
24 that round of bullets, and it was just a quick
25 round, and then the officers said, Drop the

1 knife, very -- they were -- they said it very
2 clearly, loudly, and -- and they repeated it a
3 second time, and then they paused --

4 Q. Okay.

5 A. -- to see -- between bullets if what they
6 said would effect the change.

7 Q. Okay. So while this man is running before he
8 has fallen to the ground, did you hear any of
9 those shot-like sounds before he falls?

10 A. Before he fell to the ground, um, I believe
11 that -- I believe that, yes, that the round that
12 was fired was either before he fell to the ground
13 or -- no, no, it was -- yes, as he got to the
14 other side, that's when the round of bullets
15 happened and kind of had -- and sort of had the
16 man on the ground.

17 Q. Okay. Could you hear the man saying anything
18 while he was running?

19 A. While he was running. I don't recall
20 anything specific. There might have been a --
21 kind of a noise, but I'm a little fuzzy on that.

22 Q. Okay. So the man runs, at some point he
23 falls. About where in the rotary is he once he
24 is on the ground?

25 A. So he is roughly -- I mean, where in the

1 rotary.

2 So he's in the road of the rotary, and
3 it's probably -- like, it's coming out of 98
4 Hancock, that driveway, if that just -- if we
5 call that twelve o'clock, I would say the man was
6 at about five o'clock at that place in the rotary
7 in the road.

8 Q. Okay. You heard the officer saying, Drop the
9 knife.

10 Was it more than one officer who was
11 saying, Drop the knife, or just one particular
12 person?

13 A. It sounded like two of the officers were
14 saying that.

15 Q. Okay. Could you see the man on the ground
16 holding anything in his hands at that time?

17 A. Yes. At that -- I could see him holding a
18 knife.

19 Q. All right. Prior to him being down on the
20 ground, had you seen that knife in his hands
21 before, like while he was running from behind the
22 house?

23 A. When he was running, it was hard for me to
24 tell if he had had that in his hand while
25 running.

1 But right when he was on the ground, it
2 was very clear because it was in his right hand.

3 Q. Okay.

4 A. So from where I was positioned, him running
5 in front of me, if he had it in his right hand, I
6 wouldn't have had great vision on that; but when
7 he was on the ground and on his back, his right
8 hand was facing me and I saw that pretty
9 immediately after he was on the ground, so -- in
10 other words, it didn't -- I didn't have a sense
11 if there was something that he had pulled out
12 (inaudible) after that he was on the ground.

13 Q. Can you describe what you noticed about that
14 knife?

15 A. Yeah. It was -- I would say it was a
16 big-bladed knife.

17 It (inaudible) was a thick blade. It
18 looked like it was maybe six- to nine-inches
19 long, and a -- and a -- and fairly wide.

20 Q. Okay. How was he holding it while he was
21 down on the ground after falling?

22 A. So he had -- his right hand was kind of
23 around the handle.

24 Q. Like, kind of gripping the handle?

25 You're showing us your hand.

1 A. Yeah.

2 So it's -- kind of gripping the handle
3 with the blade facing down from his pinky, if
4 that makes sense.

5 Q. Okay. Did you have any sense of how hard he
6 was holding on to that knife?

7 You looked like you were kind of clenching
8 your fist.

9 A. Yeah. He was -- he had a firm hold on it.

10 Q. Okay. Once he was down on the ground --

11 A. (Inaudible.)

12 Q. -- where did the police officers who were
13 chasing him, where did they go?

14 A. Once he was down on the ground, they kind of
15 held position to see what he would do.

16 Q. Okay. Where were they in relationship to
17 him? Like, are they in front of him, to the side
18 of him, behind him?

19 A. At this point, you know, they were in -- in
20 the rotary in the road also, more like at six
21 o'clock from the Hancock driveway position being
22 noon.

23 And they were at this point, I would say,
24 facing the man, because the man had fallen on his
25 back and his -- his feet were pointing toward

1 where the three officers had lined up.

2 Q. Okay. Could you hear anybody talking once
3 the man was on the ground?

4 You said you heard, Drop the knife.

5 Could you hear anything else?

6 A. Drop the knife was -- that's what I heard,
7 and they -- that's what they -- that's what they
8 were repeating, was, Drop the knife; drop the
9 knife.

10 Q. Did the --

11 A. There wasn't more -- there wasn't more kind
12 of, like, dialogue around that or other types of
13 phrases to try to encourage the man to stop what
14 he was doing.

15 Q. Okay. That's what you were hearing, you were
16 hearing, Drop the knife; drop the knife?

17 A. Yes.

18 Q. Could you hear the man saying something back
19 to the officers?

20 A. Yes.

21 Q. And what do you remember him saying?

22 A. A couple things that I remember were, Leave
23 me alone -- and, forgive the language, but, I'm
24 fucking going to kill you.

25 Q. Okay. While he is on the ground, did you

1 notice the man trying to move in any way; and, if
2 so, can you describe what you saw?

3 A. Yeah. It felt like he was -- he was on his
4 back and kind of moving backwards, a little bit
5 like a crab, right, kind of between his
6 shoulder -- his elbows and his -- his feet and
7 legs was just kind of like shuffling back.

8 Q. Okay. Did he --

9 A. Away from the officers.

10 Q. Did you ever see him moving in another
11 direction besides backwards?

12 A. Yes.

13 So at one point, you know, when they --
14 there was another -- let's see.

15 At one point the man did get up and
16 started walking assertively toward the
17 officers -- it felt like kind of a march for
18 them -- and at that point had a knife kind of up
19 here, I don't know if you can see me, but --

20 Q. You have --

21 A. -- the knife was positioned up here as he did
22 that kind of assertive march-like walk towards
23 them, and that was kind of a brisker -- had a
24 brisker feel to it.

25 Q. You had had your right arm lifted up, you had

1 your -- you sort of had your fist, like, your
2 hand's raised.

3 Can you tell us, is that how the man was
4 holding -- holding a knife in that hand?

5 A. Yeah. So I don't know if you can see, this
6 is a pen.

7 Q. Yeah.

8 A. And if this pen were the knife, this is how
9 he was holding it and as he was walking, it was
10 -- it was in this position.

11 THE COURT: Just for the record, he's
12 describing basically the knife protruding down,
13 sort of the hilt -- or the top of the hilt, would
14 be by his thumb, and the blade would be by the
15 bottom or the palm -- by the pinky side of his
16 hand.

17 THE WITNESS: Correct.

18 BY MS. GEMMILL:

19 Q. So while he was walking like that, does that
20 mean the blade was pointed towards the police
21 officers or away from the police officers?

22 A. Toward the police officers.

23 Q. Did you see whether there was anything that
24 this man was reacting to that made him stand up?

25 Like, how did it come to be that he was

1 standing?

2 A. I wasn't entirely sure there was -- there was
3 a bit of -- there was a bit of commotion.

4 I -- I didn't have a great vantage point
5 to it, but I had a feeling that one of the
6 officers, kind of standing in the back of the
7 three of them, might have, like, tripped and --
8 and kind of was partially on the ground, and --
9 but I don't know if that's what the man was
10 reacting to.

11 Q. Did you see the officer partially on the
12 ground?

13 Like, why did you say that you had a
14 feeling about it?

15 A. Well, I didn't have a great vantage point. I
16 just sensed some different kind of motion that
17 was happening with that officer compared to their
18 standing position of three, walking slowly,
19 maintaining a position, that was just a little
20 difference.

21 And -- and through the -- trying to look
22 through the center of the rotary, it looked like
23 that officer got shorter for some reason.

24 I don't know if it was because the officer
25 was bending over or had tripped or something, but

1 that was just -- that was the first change in the
2 position of any of the officers in that whole
3 period in the rotary.

4 Q. Before the man -- was that the only time the
5 man got to his feet that you saw?

6 A. In that -- yes, in that sequence, that was --
7 that was the time.

8 I think maybe one other time when he had
9 first sprinted across the rotary and tripped, I
10 think he was kind of in between trying to stand
11 up, but then falling down, then trying to stand
12 up and run, and I think the first round of rubber
13 bullets hit him when he was down.

14 But, other than that, when he was on his
15 back in that mode and kind of shuffling backward,
16 that was the first time that he stood up.

17 Q. Okay. About how far away from these three
18 police officers was the man when he first stood
19 up, if you could estimate?

20 A. My best estimate would be -- I would say it
21 was, like, around three people lengths, so maybe
22 about 15 feet.

23 Q. Okay.

24 A. Maybe 15 to 20 feet, somewhere in there at
25 most.

1 Q. What happened while the man was -- was
2 walking, or marching, as you described it?

3 A. Yeah.

4 So at that point, there was a larger burst
5 of rounds from the -- those two rifles, and,
6 like, noticeably larger, and then --

7 Q. What do you mean "larger?"

8 Is that, like, a reflection of sound or a
9 number of shots?

10 Can you explain that?

11 A. I think a bit of both, you know.

12 I mean, the first two -- the first round
13 that I heard was just sort of a quick, short
14 burst; and this one was a -- it was longer, but
15 not prolonged.

16 It was just longer than that -- the
17 previous one, and I think, because it was longer,
18 it just sounded louder, that's my guess, and then
19 after that, that -- then the man fell down.

20 Q. All right. And at that point, did -- did you
21 see whether the man got up again after that last
22 round of shots?

23 A. No.

24 When the man fell down that time, he was
25 more motionless and quiet, and that's when one of

1 the officers, when they sensed that, went over
2 and kneeled down next to him and checked him out,
3 and then very quickly performed CER -- CPR.

4 And I think an ambulance was called, if it
5 wasn't already there. I'm not sure about that.

6 Q. Did you see what happened to the knife when
7 the man fell down that last time?

8 A. I don't recall that with certainty.

9 Q. Okay.

10 A. It was def -- but it was no longer -- when
11 the man was down in the position that he was in,
12 the knife -- I don't recall exactly if he was
13 still holding the knife, but his hand was in a
14 more kind of prostrate position, but it wasn't in
15 a -- it wasn't in a sort of defensive or
16 attacking kind of position either way.

17 It was just -- the man was just motionless
18 at that point.

19 Q. Okay.

20 A. And so I can't say for sure where the knife
21 was, but.

22 Q. Do you have a sense of how close the man was
23 to the police officers when you heard that last
24 round of shots?

25 A. Maybe about -- maybe about 10 feet --

1 Q. Okay. Was he still --

2 A. -- is the best guess.

3 Q. Was he still moving at the time you heard the
4 shots?

5 A. Yes, yes. He was in -- he was in his full
6 kind of marching sort of stride.

7 Q. You described it as an assertive stride.

8 Did you have a sense of how quickly he was
9 moving, how quickly he was marching?

10 A. Faster than a neighborhood walk and slower
11 than a distance run.

12 Q. Mr. Mattoon, at any point during this
13 incident while you were observing these events,
14 did you document this in any way with your cell
15 phone?

16 A. Yeah, I did take one picture.

17 Q. Okay. Do you remember what you took a
18 picture of, like, what was going on at the time
19 you took a photograph?

20 A. Yeah.

21 So that picture was -- that picture was at
22 the moment when the man was on the ground on his
23 back and the officers were in their formation of
24 three and it was -- but it was before the man had
25 sit up and tried marching toward them.

1 Q. Okay. Were you able to provide that
2 photograph to the -- to investigators when you
3 were interviewed?

4 A. I did. I -- I went to the Lexington police
5 office later that day, because on the news that
6 evening they were asking for any witnesses to
7 come -- to come in, so when I spoke with him,
8 that had come up, so I shared it with him then.

9 MS. GEMMILL: Your Honor, may I have just
10 one moment?

11 THE COURT: Sure.

12 (Pause.)

13 BY MS. GEMMILL:

14 Q. Mr. Mattoon, I'm going to try to show you a
15 photograph.

16 I'm not sure if it's going to --

17 A. Okay.

18 Q. -- it's going to work, but I'll take it over
19 to the camera and see if you can see it and see
20 if you recognize it, okay?

21 Can you see that?

22 A. Yes. That's it.

23 Q. Is it the photograph you gave to the police?

24 A. It is.

25 MS. GEMMILL: I'd ask that this be marked

1 as our next exhibit, please.

2 THE COURT: Exhibit 10.

3 THE CLERK: Exhibit 10, your Honor.

4 (Exhibit No. 10, Photograph, received
5 into evidence.)

6 MS. GEMMILL: Nothing further for
7 Mr. Mattoon.

8 THE COURT: Mr. McDonald, Mr. Heineman.

9 EXAMINATION

10 BY MR. MCDONALD:

11 Q. Mr. Mattoon, my name is Alan --

12 THE COURT: Mr. McDonald, if you can, go
13 over to that so he can see you.

14 MR. MCDONALD: Okay.

15 BY MR. MCDONALD:

16 Q. Mr. Mattoon, my name is Alan McDonald, and I
17 represent the police officers involved in this
18 incident.

19 A. Um-hum.

20 Q. Was there any strategy that you observed
21 about when the officers used the bean bag
22 weapons, any pattern that you observed?

23 A. If there had been a pattern, I would say it
24 was -- it was being used at times when they were
25 trying to persuade the man to -- to stop what he

1 was doing.

2 Q. And when you say "stop what he was doing,"
3 what was he doing that they were trying to stop?

4 A. Well, in the first round, they were
5 trying -- my sense is they were trying to stop
6 him from running away from some kind of a
7 confrontation or a conversation about what had
8 been happening at the house and that perhaps
9 the -- perhaps there was a knife involved, but
10 whether a knife was involved or not at that
11 moment was -- I had the sense it was someone that
12 may have been fleeing a scene of questioning, and
13 so they were trying to stop him from doing that.

14 But then in another round, it was a
15 different situation where there was clearly a
16 knife out and they were trying to persuade the
17 man to drop the knife.

18 Q. Did you give a statement to the Lexington
19 police at the time you made the visit?

20 A. I did.

21 Q. Yeah.

22 A. I did.

23 Q. I'd like to read a sentence from that report
24 and ask you if it refreshes your recollection
25 more clearly about the use of the bean bag

1 weapons.

2 A. Okay.

3 Q. Quote, Officers using less-lethal, fired and
4 gave it a chance.

5 They would hit him with pellet and give it
6 time to work.

7 When male would be in process of getting
8 up, they would shoot again and direct him to drop
9 the weapon.

10 Does that refresh your recollection
11 of -- of the testimony that you gave when you
12 were questioned?

13 A. Yes. Yes.

14 Q. And does it, to the best of your knowledge,
15 reflect truthfully what you saw at the time?

16 A. Yes.

17 MR. MCDONALD: Thank you.

18 THE COURT: Mr. Heineman, any questions?

19 MR. HEINEMAN: Yes, your Honor.

20 EXAMINATION

21 BY MR. HEINEMAN:

22 Q. Good afternoon, Mr. Mattoon.

23 I just have a few questions to follow up
24 on what was asked to you earlier.

25 I want to start with the knife.

1 A. Um-hum.

2 Q. You told us that the knife was six- to
3 nine-inches long; is that right?

4 A. That is a best estimate.

5 Q. And when you're using that six- to
6 nine-inches, are you talking about the blade size
7 or the entire length of the knife, including the
8 handle?

9 A. Just the blade.

10 Q. All right. So the blade that you saw
11 sticking out from the bottom of this man's hand
12 was six- to nine-inches long; is that right?

13 A. That was my -- that was my estimate.

14 Q. And you said it was a thick blade.

15 Is that, like, a butcher knife, as opposed
16 to a regular steak knife?

17 A. Yes, more -- more of like -- more of like a
18 butcher-knife width to it.

19 Q. So it was a hefty knife, it wasn't just a
20 regular, you know, a steak knife that I would use
21 to cut up a piece of steak?

22 A. Correct, yeah. Nothing that you would
23 normally find in a kitchen.

24 Q. Now, you said a couple of times that you
25 didn't have a great vantage point --

1 A. (Inaudible.)

2 Q. -- and there really weren't any questions
3 about where you were.

4 So can you tell us where you were when you
5 were watching this interaction?

6 A. When I was watching the interaction once the
7 police and the man were in the rotary and
8 engaging in the -- in the pellet rounds?

9 Q. Yeah, that was a bad question by me --

10 A. Okay.

11 Q. Thank you.

12 Yeah, that was a bad question by me.
13 Thank you for the clarification.

14 Once the man was on the ground --

15 A. Yes.

16 Q. -- the last time he was on the ground before
17 you say you saw him get up, what was your vantage
18 point then?

19 Where were you?

20 A. I was at -- I'm actually blanking on the name
21 of the road, but there's a road that is off of
22 the rotary that is exactly across from the road
23 that is the entrance to Diamond Middle School,
24 and I was standing right in that -- at the entry
25 of that road.

1 Q. So the picture that you took and that has
2 been put into evidence you took at an earlier
3 point in time, right?

4 A. No, I -- when I took that picture, it was
5 pretty -- that was in the location that I just
6 described.

7 Q. Okay. And did you stay in the location where
8 that picture is taken from during the entire
9 remainder of the interaction between the man and
10 the police officers?

11 A. Correct.

12 Q. You say that you saw this man stand up and
13 walk, or, in the DA's word, march towards the
14 police officers.

15 How many steps did the man take from the
16 time he got up to the time you heard the shots
17 fired?

18 A. About four, four large steps.

19 Q. And then the -- the last area I want to ask
20 you about is this idea about the police officer
21 falling down or tripping.

22 When the Lexington police interviewed you
23 after this, they video recorded that interview,
24 right?

25 A. Yes.

1 Q. And when they were done with that interview,
2 they allowed you an opportunity to review what
3 they had written down, right?

4 A. That is correct.

5 Q. And you were able to add some things that you
6 thought might have been missing, right?

7 A. I believe so.

8 Q. Am I right that nowhere in that entire
9 statement to the Lexington police did you tell
10 them that you saw this officer trip or fall?

11 A. If there had been any moment where that had
12 come up, I was a bit fuzzy on whether someone had
13 actually tripped or fallen.

14 Q. Have you since heard press publications about
15 what happened that night and pronouncements by
16 the district attorney's office, press
17 conferences, about what happened?

18 A. I'd seen -- I think I saw maybe one -- one
19 broadcast of something, but I don't even remember
20 if it was an official press conference or if it
21 was just a, like, a report onsite or something.

22 Q. Okay. Is it possible, sir, that this idea of
23 seeing the police officer fall is something you
24 heard about after, but didn't actually see
25 yourself that day?

1 MS. GEMMILL: Objection.

2 THE COURT: Just to be clear,
3 Mr. Heineman, he never said that he saw him fall.

4 MR. HEINEMAN: Oh, okay.

5 THE COURT: He said he saw him get
6 shorter and he wasn't sure if he tripped --

7 MR. HEINEMAN: Thank you.

8 THE COURT: -- or if he just bent over.

9 BY MR. HEINEMAN:

10 Q. So let me ask it that way.

11 Is this idea of seeing the officer get
12 shorter or change in vision something that you
13 have memory of or something that you're piecing
14 together based on things you heard after the
15 fact?

16 A. It is possible that I -- I suppose it's
17 possible --

18 THE COURT: So, Mr. Mattoon, Mr. Mattoon,
19 just keeping in mind that anything is possible --

20 THE WITNESS: Yeah.

21 THE COURT: -- just what's your best
22 memory?

23 THE WITNESS: My best memory is -- is --
24 is fuzzy.

25 I -- I had a sense of something going on

1 with one officer who was in the rear and that was
2 it, but I can't really -- I can't stake a claim
3 on, like, what -- what it was or what happened
4 or -- or if it happened.

5 MR. HEINEMAN: Thank you, Mr. Mattoon.

6 Thank you, your Honor.

7 THE COURT: Okay. Mr. Mattoon, can I
8 just ask you a couple of questions?

9 The vantage point or the road across the
10 rotary that you were on --

11 THE WITNESS: Yeah.

12 THE COURT: -- is that the road that
13 leads to the Mobil station by Bedford Street, or
14 is it the road that leads to Liberty and
15 Ledge lawn, where you were?

16 THE WITNESS: The latter.

17 THE COURT: All right.

18 THE WITNESS: Yeah, the latter is
19 (inaudible).

20 THE COURT: So the smaller road that
21 leads to Liberty and Ledge lawn?

22 THE WITNESS: Yeah.

23 THE COURT: Okay.

24 THE WITNESS: Because it's the
25 neighborhood one.

1 THE COURT: Yup, okay. So it was
2 Hamilton Road; does that sound familiar?

3 THE WITNESS: (Inaudible.)

4 THE COURT: If I said that was Hamilton
5 Road, does that sound familiar?

6 THE WITNESS: I believe so.

7 THE COURT: All right. Okay. But it was
8 definitely the one that leads into that
9 neighborhood behind Hancock and not the one that
10 leads out toward Bedford Street.

11 THE WITNESS: Yeah. I know for certain
12 that road that you're talking about, it goes out
13 to Mobil and Bedford Street, and it was not that
14 road.

15 THE COURT: Okay.

16 THE WITNESS: I was not standing there.

17 THE COURT: All right. I -- all right.

18 THE WITNESS: Yeah, it was the one --
19 yeah, it was the one closer to 98/95.

20 THE COURT: Okay. Thank you very much.

21 THE WITNESS: Okay.

22 MS. GEMMILL: Nothing further.

23 THE COURT: All right. Thank you, sir.

24 (Witness excused.)

25 MR. VAN EPPS: (Inaudible.)

1 Your Honor, I would propose to resume --

2 THE COURT: Yes, please.

3 MR. VAN EPPS: -- Mr. Wetmore.

4 Judge, if I can just step out for one
5 second.

6 THE COURT: Sure.

7 MR. VAN EPPS: I don't think we're going
8 to get to our last witness.

9 THE COURT: That's fine.

10 (Pause.)

11 THE COURT: Thank you for your patience.

12 So I was jealous in looking at some of
13 your stats.

14 (Laughter.)

15 MS. GEMMILL: May I proceed, your Honor?

16 THE COURT: Yes.

17 CONTINUED EXAMINATION

18 BY MS. GEMMILL:

19 Q. Good afternoon, sir.

20 Thank you for returning.

21 You were previously sworn in this
22 proceeding earlier today, correct?

23 A. Yes.

24 Q. And you're still under oath now?

25 A. Yes.

1 Q. All right. So returning to pick up where we
2 left off.

3 You were describing to us what you were
4 observing when you got to the area of Hancock and
5 that road when you came to a stop?

6 A. Yes.

7 Q. I believe you had described to us seeing a
8 man on the ground.

9 I'm not sure we got a whole lot farther
10 than that.

11 Can you describe to us what you were
12 seeing, like, what observations you made of the
13 man during the time that you were stopped?

14 A. Yeah. So he appeared to be distressed, and
15 he appeared to be, like, trying to get up, which
16 was counter to the instruction he was receiving
17 from the police officers.

18 Q. And I think you were describing to us before
19 the positioning of how he was -- how he was on --
20 in the road, this --

21 A. Yeah.

22 Q. -- this -- (inaudible), like, kind of bent,
23 trying to get up?

24 A. Yeah. Slightly leaned over to his right,
25 trying to get up.

1 Q. And refresh my memory, could you see what --
2 could you see his hands while he was on the
3 ground (inaudible)?

4 A. I don't recall seeing his hands.

5 Q. Okay. Could you hear the man on the ground
6 saying anything?

7 A. I don't remember hearing him say some --
8 say -- I don't remember specifics or anything he
9 said.

10 Q. Could you hear whether or not he seemed to be
11 talking or making any kind of noises?

12 A. I don't recall specific words.

13 I think that he was making -- he might
14 have been making some -- some, like -- he did not
15 look comfortable.

16 He might have been making some -- I can't
17 remember specifically, I'm sorry. I can't give
18 you a good answer there.

19 Q. Were there any things that he -- he was doing
20 or some things -- something you were hearing that
21 made you think he was uncomfortable?

22 A. It was mostly, like, body language in the way
23 he was getting up, like, somebody's got --
24 somebody comfortable isn't really getting up in
25 that way.

1 I don't know how better to describe it in
2 words.

3 Q. So do you have a memory of hearing him
4 making, like, verbalizations and you just don't
5 know the words or is that not clear?

6 A. That's not clear.

7 Q. There were police officers on scene?

8 A. Yes.

9 Q. How many officers did you see?

10 A. I remember seeing three with guns drawn, and
11 then I -- I believe I remember another officer
12 who was also there.

13 Q. Okay. Where was -- where were those first
14 three officers positioned in relationship to the
15 man on the ground?

16 A. Relative to my vantage point, further to the
17 right; and the guy was to the left, and I was
18 looking basically north --

19 Q. Okay.

20 A. -- as indicated in the drawing.

21 Q. Did you have a sense of, like, how many feet
22 away they were from each other?

23 A. Um --

24 Q. And I mean -- by "each other," I mean the
25 police officers to the man on the ground.

1 A. Call it 15 to 20, I think, yeah.

2 Q. While you were watching, could you see
3 whether the police officers -- those three police
4 officers who were closest to him -- were they
5 making any movements?

6 A. No. While I was there, I remember -- I
7 believe they were barely stationary.

8 Q. Could you hear any of those police officers
9 saying anything to the man?

10 A. Yes.

11 Q. Were they all talking? Was one of them
12 talking? Who was speaking?

13 A. I don't recall whether it was one or
14 multiple, but I do remember hearing, like, Stay
15 on the ground, and, Drop the knife.

16 Q. Okay. So words you could hear were, Stay on
17 the ground and Drop the knife? Sorry, you need
18 to say --

19 A. Yes, sorry, yes.

20 Q. Do you recall hearing the police officers say
21 any other words or phrases to the man?

22 A. Nothing that sticks in my memory.

23 Q. Was there any speaking or -- any speaking you
24 could hear that you could tell people were
25 talking, but you couldn't make out the words they

1 were using?

2 A. It's been too long. I don't remember that,
3 anything like that. Sorry.

4 Q. What was the tone of voice for the police
5 officer you could hear saying, Stay down?

6 A. Urgent and commanding.

7 Q. Urgent and commanding?

8 A. (No audible response.)

9 Q. Sorry, you're nodding. You need to say yes
10 or no.

11 A. Yes -- yes.

12 Q. How was -- how was their volume?

13 Was this a loud command, kind of quiet,
14 was it (inaudible)?

15 A. It was -- it was loud, yes.

16 Q. Every one of the commands heard, was every
17 command loud?

18 A. Yes.

19 Q. Did you hear any different tones of voice
20 being used by the police officers?

21 A. I don't recall any different tones of voice,
22 no.

23 Q. And you have a pretty good idea of about how
24 long you were there watching; is that fair?

25 A. Yes.

1 Q. And that's from --

2 A. From --

3 Q. -- reminding yourself on your Strava data,
4 correct?

5 A. Yes, that's looking at GPS data.

6 Q. So from about the point you were stopped
7 until the point that you restarted your GPS was
8 somewhere around 47 seconds, give or take a
9 little bit of time --

10 A. Correct.

11 Q. -- then you restart?

12 A. Yes.

13 Q. Okay. What is happening with the man and the
14 police officers when you decide you're ready to
15 continue your ride?

16 A. Yeah.

17 So as soon as I figured out how to get
18 around and out of the situation -- and that's
19 probably part of why I don't -- I didn't see his
20 hands enough because I was looking at my phone
21 trying to figure out where to go -- the situation
22 didn't change very much from when I showed up to
23 when I was leaving.

24 Q. Other than the voices you were hearing
25 between the man and the police officers giving

1 commands, did you hear any other sounds while you
2 were watching --

3 A. No.

4 Q. -- their interaction?

5 A. While I was watching, no.

6 Q. Okay.

7 So you -- you'd mentioned that several of
8 the officers had some kind of -- some kind of
9 weapon in their hands, correct?

10 A. Yes.

11 Q. Did you see that anybody fired those or hear
12 them fire those weapons while you were watching?

13 A. Not while I was there, correct.

14 Q. All right. So you get back on your bicycle.

15 What path do you take to depart the area?

16 A. So I went the wrong way around the rotary to
17 go up one street further west from where I had
18 intended to go.

19 I don't remember the name of that street,
20 and I took one of the first right-hand turns
21 after that.

22 Q. Okay. And that's reflected in that second
23 red line on your Strava, correct?

24 A. Correct.

25 That's the way that I went, yes.

1 Q. Did you make any other observations from back
2 behind you near the rotary as you were leaving
3 the area?

4 A. I didn't look behind me as I was going.

5 There were guns out. I wanted to get out
6 of there pretty -- pretty quickly, yeah.

7 Q. Did you hear anything?

8 A. Yes.

9 So I -- I exited the rotary, I took a
10 right-hand turn, and I -- when I -- there was a
11 hill that I needed to get over in order to get
12 back to the path I was intending on going, and
13 while I was at the very beginning of that hill, I
14 remember hearing gunshots.

15 Q. Okay.

16 Can you tell us how loud the sound that
17 you thought was gunshots, how loud was that
18 sound?

19 A. It was -- it was fairly loud, but I was
20 also -- I mean, a minute later I was probably a
21 couple tenths of a mile away at that point, so.

22 Q. You said "a minute later."

23 Do you know exactly how much time had gone
24 by from the time you left the rotary to the time
25 you first heard the sound?

1 A. Yeah.

2 It was a minute and 15 seconds from the
3 time my GPS started up again after that 47 second
4 period block to when I got to the beginning of
5 that hill that I mentioned that I turned onto on
6 the next road.

7 Q. Okay. So you know how long that was by
8 (inaudible) your data, what time you reached that
9 hill; is that correct?

10 A. Yes.

11 Q. It had been a minute and 15 seconds that had
12 passed.

13 A. Yes.

14 I -- I'm highly confident it's a minute
15 and 15 seconds; we can be 100 percent certain by
16 checking the data on Strava.

17 Q. Okay. But pretty close to --

18 A. I'm very confident it was a minute and 15
19 seconds.

20 Q. Do you recall how many shots you heard?

21 A. I did not count.

22 I would say four, plus or minus a few.

23 Q. So fair to say more than one?

24 A. Yes, more than one.

25 Q. Less than ten?

1 A. Yes.

2 Q. And somewhere in the vicinity of four, give
3 or take?

4 A. Yes.

5 Q. What did you do when you heard those sounds?

6 A. Kept riding my bicycle to get away from the
7 situation.

8 Q. At some point did you come forward to
9 investigators to explain what you'd seen?

10 A. Yes.

11 On advisement of some friends, I called
12 the Lexington police Department to give my
13 account.

14 Q. And I think we already discussed this, but
15 you provided all your Strava data from your ride
16 (inaudible)?

17 A. Yes.

18 I gave the original doc FIT file that the
19 computer itself spits out, as well as a link and
20 excerpts from the uploaded file to Strava.

21 MS. GEMMILL: Thank you, sir.

22 If I may have one moment.

23 I don't have any further questions for
24 Mr. Wetmore.

25 Take care.

1 THE COURT: Mr. McDonald? Mr. Heineman?

2 MR. MCDONALD: No questions.

3 MR. HEINEMAN: Very quickly.

4 THE COURT: Sure.

5 EXAMINATION

6 BY MR. HEINEMAN:

7 Q. The data that you gave from your phone, or
8 from your Garmin, when did you give that?

9 A. I provided that when I met with the -- these
10 attorneys. I don't recall the date that that
11 was.

12 Q. So just -- that was one of my -- I thought
13 that was my question.

14 So you were interviewed originally way
15 back in February when this happened; and then
16 some point later the district attorney spoke to
17 you and you gave that data?

18 A. Yeah.

19 I -- I may have emailed the -- the
20 detective with the link. I don't -- I don't
21 recall. I may have.

22 Q. Okay.

23 A. The only time I know that I provided it was
24 when I met with the attorneys.

25 Q. Do you remember telling the police officers

1 when they interviewed you that, quote, Space
2 between the officers and the male party is
3 reported as the male in the center of the road
4 and the officers at curbside.

5 A. Yeah. The --

6 Q. And so --

7 A. Yes.

8 Q. -- when you're seeing this man, he's on the
9 ground in the center of the roadway, center of
10 that travel way, and the officers are roughly at
11 curbside?

12 A. Yeah.

13 Q. Okay.

14 A. Yes.

15 Q. And -- and am I right that you never saw a
16 knife in the man's hand or never saw a knife at
17 all that day?

18 A. I did -- I don't recall taking note of what
19 was -- what was in his hands.

20 MR. HEINEMAN: Okay. Thank you very
21 much, and I hope the shoulder heals up.

22 THE WITNESS: Okay. Thanks.

23 THE COURT: Thank you, sir. You're all
24 set.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 MR. VAN EPPS: That's our last live
3 witness for today.

4 THE COURT: Okay.

5 MR. VAN EPPS: I have some proposed
6 exhibits we could deal with this afternoon or
7 tomorrow morning.

8 THE COURT: Whatever you want to do.

9 MR. VAN EPPS: Um --

10 THE COURT: We've got ten minutes left,
11 but if you want to do it tomorrow morning before
12 we start, that's fine, too.

13 MR. VAN EPPS: Yeah, let's -- let's get
14 done when we can.

15 (Pause.)

16 (Inaudible discussion.)

17 MR. VAN EPPS: Your Honor, I'm going to
18 offer first the 911 transcript as well, and
19 there's a -- a CAD sheet, which I've given to
20 counsel.

21 I'm going to hand up a disk and the
22 transcript and --

23 THE CLERK: So, your Honor, I was just
24 handed two pieces of items here.

25 Would your Honor like to keep it

1 chronologically or do 11A and 11B?

2 THE COURT: Dealer's choice.

3 THE CLERK: 11A, 11B, your Honor.

4 11A is disk; 11B, transcript.

5 (Exhibit No. 11A, Disk, received into
6 evidence.)

7 (Exhibit No. 11B, Transcript of 911 call,
8 received into evidence.)

9 MR. VAN EPPS: I'll get -- I'll get the
10 CAD sheet, (indiscernible).

11 I have a disk containing the video
12 referenced by Kim Hine.

13 There's also the video interview of Mr.
14 Mattoon, which counsel referenced, and there's a
15 video recorded by one of the -- Rita Mukherjee
16 (phonetic), a child who reported it. All three
17 videos are on a disk.

18 THE COURT: All right.

19 THE CLERK: We'll mark it as the next
20 exhibit.

21 So A is the disk.

22 MR. VAN EPPS: I would offer the -- well,
23 I'll let you mark it first.

24 The -- the accompanying Mukherjee
25 interview report, which references the recording,

1 I'll offer that.

2 THE CLERK: 12B.

3 (Exhibit No. 12A, Disk, received into
4 evidence.)

5 (Exhibit No. 12B, Report, received into
6 evidence.)

7 MR. VAN EPPS: I would offer the
8 Lexington police report of Tom Wetmore as the
9 next exhibit.

10 THE CLERK: Thirteen.

11 (Exhibit No. 13, Report, received into
12 evidence.)

13 MR. MCDONALD: Fourteen or 13?

14 THE COURT: Thirteen.

15 MR. MCDONALD: Thirteen.

16 THE COURT: The last two were 12A and
17 12B, so --

18 MR. MCDONALD: Ah.

19 THE COURT: -- the video was 12A, 12B was
20 the report regarding Mukherjee video.

21 MR. MCDONALD: Thank you.

22 I wrote it down wrong. Thank you, your
23 Honor.

24 MR. VAN EPPS: I would next offer the
25 Lexington police report of the interview of

1 Tal Dinnar and Samuel Dinnar.

2 THE CLERK: Fourteen.

3 (Exhibit No. 14, Police Report, received
4 into evidence.)

5 MR. VAN EPPS: I would offer the Mass.
6 State Police report.

7 I'm sorry.

8 THE CLERK: It's okay.

9 (Pause.)

10 MR. VAN EPPS: I would next offer
11 the -- we have the video in evidence, we have
12 also the -- the Lexington police report of Scott
13 Mattoon.

14 Attached to it is a black-and-white copy
15 of the submitted photo on his email.

16 THE COURT: Fifteen.

17 (Exhibit No. 15, Report, received into
18 evidence.)

19 MR. VAN EPPS: The last one is -- there
20 was a Mass. State Police report of Charlotte
21 Newman, which I would offer as the next exhibit.

22 THE CLERK: Sixteen.

23 (Exhibit No. 16, Report, received into
24 evidence.)

25 MR. VAN EPPS: And, as for the CAD sheet,

1 I'll get a copy for the clerk tomorrow.

2 THE COURT: All right.

3 MR. VAN EPPS: I guess that would be 12C,
4 if that's --

5 THE COURT: That's fine.

6 And so tomorrow, we have, it looks like
7 eight or nine witnesses?

8 MR. VAN EPPS: Yes. Vikas Kinger,
9 Patricia Jenness, Rabbi Bukiet, medical examiner,
10 Mr. New, Mr. Olidort, Ms. Cunningham,
11 Mr. Collazo.

12 THE COURT: All right.

13 MR. VAN EPPS: And -- and the crime scene
14 person who was supposed to testify today.

15 THE COURT: Okay. So I guess two things.

16 Mr. Heineman, I assume you want to have a
17 conversation with the family about --

18 MR. HEINEMAN: Yes.

19 THE COURT: -- the medical examiner.

20 MR. HEINEMAN: I already did, and I will
21 again.

22 Yes, your Honor.

23 THE COURT: All right. Because, you
24 know, there's going to be some tough information
25 there.

1 MR. HEINEMAN: Understood.

2 THE COURT: I neglected this morning when
3 I went through the whole litany of where I grew
4 up, the last witness tomorrow is somebody that I
5 went to high school with.

6 I have not seen him since 1981, so same
7 thing, but...

8 MR. HEINEMAN: You did mention that in
9 the past.

10 THE COURT: I know I mentioned it in the
11 past, but I just want to make sure it was clear
12 on the record that I can -- I will tell -- I will
13 tell everyone that when I saw the Ring video
14 clip, I immediately recognized who he was because
15 he's about my height with bright orange hair, and
16 there aren't too many people that look like that.

17 But, in any event, when I actually
18 started flipping through the witness list, and
19 because I didn't know that there were too many
20 people that looked like that out there, it turned
21 out it was him, but he did not live at that
22 address or anywhere near there when I was in high
23 school.

24 Anyway, tomorrow around 9 a.m., or I
25 should say 8:45 to 9 a.m.?

IMPOUNDED TRANSCRIPT

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1 MR. VAN EPPS: Sure.

2 THE COURT: So we can start at nine. All
3 right?

4 MR. VAN EPPS: Thank you.

5 THE COURT OFFICER: All rise.

6 Court will be in recess.

7 THE COURT: As long as my card is intact.

8 (At 4:29 p.m. court adjourned.)

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<p>243 10, 243 23, 243 24, 243 25, 244-19, 245 16, 246 2, 246 8, 246 12, 246 16, 246 24, 247 3, 247 5, 247 8, 247 14, 248 5, 248 14, 249 2, 249 7, 249 24, 250 1, 250 7, 250 9, 250 12, 250 19, 251 1, 251 5, 251 15, 252 6, 253 1, 253 14, 253 21, 254 9, 254 13, 255 24, 256 4, 256 14, 256 18, 257 1, 258 4, 258 10, 258 17, 258 24, 259 15, 259 17, 260 6, 260 7, 260 23, 261 1, 261 13, 261.18, 261 25, 262 20, 262 22, 263 10, 263 12, 264 2, 264 11, 264 15, 264 18, 265 2, 265 14, 265 19, 266 15, 266 17, 267 2, 267 4, 267-6, 267 10, 267 15, 267 21, 268 18, 268 21, 268-22, 269 1, 269 14, 270 16, 271 1, 271 14, 271 25, 272 6, 272 13, 272 20, 273.15, 273 18, 275-7, 275 8 And [4] - 111 8, 156 6, 212-11, 236 21 AND [2] - 276 3, 276 9 angle [2] - 142 4, 163 12 angry [1] - 68 25 another [13] - 64 20, 67 21, 116 6, 145-15, 153 19, 180 6, 203 21,</p>	<p>204 3, 204-4, 237 10, 237 14, 246 14, 258 11 answer [5] - 68 25, 128 24, 157 23, 200 22, 257 18 anticipate [1] - 165 16 anxious [1] - 137 10 any [102] - 7 4, 7 16, 7 22, 22 1, 23 1, 23 5, 23 13, 23 16, 23 17, 26 1, 26 12, 27 14, 27 25, 28 13, 28 16, 28 24, 35 3, 37.12, 37 14, 48 16, 53 20, 53-21, 56 5, 56 16, 58 20, 58 23, 61 11, 64 24, 71 12, 71 21, 75 11, 75 19, 84 5, 92 8, 92 19, 92 24, 97 12, 104 3, 105 7, 114 8, 119 17, 119.21, 120 14, 120 15, 121 7, 121.10, 129 13, 129 25, 133 19, 135 3, 137 5, 149 6, 156 1, 170 9, 177 23, 179 1, 179 9, 180 1, 181-1, 181 22, 182 11, 183 14, 185 15, 187 3, 189 6, 192 13, 197 21, 204 18, 204.19, 207 15, 222-24, 225 1, 228 7, 230 1, 231 8, 231 15, 232 8, 235 5, 237 1, 240 2, 243 12, 243 14, 244 6, 245 20, 245 22, 247 18, 249 2, 251 11, 257 11, 257 19, 259.5, 259-8, 259 21, 259 23, 260 19, 260 21, 262 1, 263 1, 265 23, 273 17</p>	<p>ANY [1] - 276 8 anybody [11] - 28 15, 30 20, 44 25, 62 15, 66 8, 67 6, 153 7, 217 25, 221 17, 236 2, 262 11 anyone [10] - 7 20, 7 24, 11 8, 11 10, 13 18, 100 19, 128 17, 221 20, 221 23, 222 8 anything [101] - 7 15, 20 7, 21 10, 21 12, 21 15, 22 14, 24 24, 25 6, 26 13, 33 12, 35 21, 35 22, 36 4, 37 14, 39-18, 39 20, 41 12, 41-17, 45 22, 47 6, 50:18, 51 2, 52 5, 53 11, 55 4, 55 5, 57 3, 61 11, 61 13, 65 3, 68 3, 69 15, 75 2, 75 11, 75 15, 75 16, 76 4, 79.4, 79 19, 81 1, 81 5, 82 5, 84.1, 91 24, 93 19, 94 10, 98 2, 103 7, 103 14, 103 24, 110 7, 111 5, 111 22, 115 9, 115 12, 120 7, 120-8, 120.11, 128 17, 130-4, 134 10, 135 15, 137 18, 149 5, 156 1, 164 11, 168 18, 171 13, 172-23, 178 5, 179 18, 181 3, 181 16, 181 17, 185 4, 185 10, 186 8, 186 12, 193:7, 204.6, 209 8, 209-18, 223 20, 224 10, 224 16, 224 18, 224 24, 228 11, 229:16, 231 9, 232 17, 232.20, 233 16, 236 5, 238 23, 252 19, 257 6,</p>
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<p>191 5, 191 10 gentleman's [1] - 172 7 gesture [3] - 222 16, 224 7, 224 19 gestured [3] - 110:19, 112.20, 181 9 gestures [1] - 137 12 gesturing [3] - 110 13, 141-7, 146 5 get [99] - 8 15, 13 20, 20 13, 21 1, 21 18, 21 25, 22 16, 23 3, 24 6, 25 1, 26 20, 27 16, 28 23, 30 10, 34 18, 42 25, 43 1, 43 2, 43 7, 44.1, 47 3, 49 25, 55.15, 56 15, 56 23, 67 12, 73 15, 74 12, 74 14, 74 18, 79 22, 80 14, 80 15, 82 18, 95 3, 102.20, 102 22, 113-2, 115 8, 119.5, 120 1, 129 25, 135 23, 136 20, 145 3, 145 4, 145 16, 149 24, 150 3, 154 17, 158 9, 160 20, 162 20, 175 7, 176 4, 176 7, 178.6, 178 12, 179 7, 182.10, 182 21, 183-2, 184 25, 185 12, 185 17, 186 4, 189 17, 189 19, 194.9, 195 18, 199 2, 206 24, 207 21, 208 4, 208 11, 208 25, 210 3, 210 15, 210 25, 211 6, 231-20, 237 15, 249 17, 252 5, 252 11, 255 8, 256 15, 256 23, 256 25, 261 17, 262 14, 263 5, 263 11,</p>	<p>265 6, 268 13, 269 9, 272 1 gets [2] - 184 4, 198 5 getting [29] - 10 25, 20 16, 21 5, 26 17, 28 25, 33 10, 34 7, 53 24, 57 14, 59 11, 96 6, 121 13, 124 7, 138 9, 147 24, 148 2, 155 21, 155 22, 155 24, 163 11, 164 6, 166 8, 181 20, 186 2, 190 14, 229 7, 247 7, 257.23, 257 24 give [27] - 35 1, 40 9, 42 11, 42 19, 74 19, 92 23, 101 5, 105 24, 106 10, 113 24, 113 25, 140 4, 145 9, 166.3, 184 7, 186 17, 189 23, 191-9, 206 3, 213 11, 246-18, 247 5, 257.17, 261 8, 265 2, 265 12, 266 8 Give [4] - 38 2, 38 14, 39 14, 40 9 given [2] - 8 10, 268 19 giving [11] - 27 5, 38 13, 109-24, 111 4, 112 18, 114 11, 119 19, 144 2, 145 7, 153 14, 261 25 glasses [1] - 51 24 gloves [1] - 28 1 go [55] - 13 3, 13 11, 13 14, 14 6, 14-21, 15 6, 26 20, 42 16, 42 25, 43-1, 43 7, 43 11, 43 15, 45 24, 46 7, 46 20, 46 23, 47 22, 48 5, 60 11, 60 12, 60 20, 70 12, 71 24, 80 6, 94 2, 96 5, 102 17, 102 25, 116 25,</p>	<p>132 24, 145 16, 149 22, 151 18, 153 9, 158 5, 174 6, 176 11, 178 12, 183 3, 183.4, 183 6, 187:7, 190 8, 207 14, 210 24, 216 20, 227 16, 227 24, 235 13, 245 12, 261 21, 262 17, 262 18 God [9] - 10 20, 26 10, 30 5, 62 3, 99 25, 130 20, 166.4, 194 2, 216-17 goes [8] - 7 22, 44 8, 51 8, 131 9, 200 24, 201-4, 230 7, 254 12 going [132] - 7 23, 10 15, 12 18, 13 18, 14 6, 16 5, 16 6, 16-10, 17 13, 17 21, 18 9, 18 10, 18 21, 26 18, 29 24, 30 16, 30:17, 40.12, 40-13, 41 15, 42.22, 42 23, 43 15, 44 4, 44 16, 45 5, 45 23, 49 23, 50 19, 52 12, 52 13, 53 13, 61 20, 62 10, 62 12, 70 7, 72 2, 75 8, 75 9, 81 21, 85 7, 98 22, 98 23, 100 5, 100 20, 100 21, 104 20, 105 21, 105 22, 105 23, 106.6, 106 9, 107 2, 107 4, 107.11, 107 12, 109 6, 115 20, 116 20, 123 17, 124 20, 124 21, 130 9, 131 11, 131 13, 131 16, 135 15, 139 25, 140 3, 142 5, 145 11, 145 14, 148.10, 151 7, 152 4,</p>
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<p>157 25, 163 5, 165 2, 165 24, 165 25, 171 11, 172 3, 174 25, 175 2, 176 9, 181 21, 182 4, 182.24, 184 24, 187 7, 190 19, 194 7, 194.14, 196 11, 196 15, 197 4, 198 16, 198 24, 198.25, 199 1, 200 8, 200 18, 202 25, 205 22, 205 24, 206 3, 209 2, 210 25, 211 5, 212 8, 213 2, 214 15, 216 12, 217 13, 217 21, 217 24, 218 20, 223 6, 236 24, 243.18, 244 14, 244 16, 244 18, 252 25, 255 7, 263 4, 263.12, 268 17, 268 21, 272 24 gone [5] - 9 25, 82-19, 170 3, 182 15, 263.23 GOOD [1] - 275 15 good [41] - 5 14, 5 16, 5 18, 11 14, 30 9, 30 25, 35 1, 37 13, 37 16, 37 18, 51 21, 58 11, 62 20, 62 21, 64 14, 79 16, 95 1, 101 4, 125 7, 125 8, 131 2, 131 24, 131 25, 134 7, 140.19, 158 16, 158 17, 164 25, 166-11, 167 7, 186 19, 193 24, 194 25, 212.20, 216 6, 224 10, 247 22, 255 19, 257 18, 260 23 Good [3] - 5-19, 5 21, 101 3 Google [5] - 106 1, 140 4, 140 7,</p>	<p>140 19 got [41] - 22 16, 22 18, 33 2, 50 7, 54 10, 56 24, 57 19, 60 1, 64 15, 67 23, 78 11, 80 15, 83 1, 90 3, 97 17, 116 9, 121 10, 123 6, 128 12, 157 17, 163 7, 168 17, 174 22, 174 23, 178 14, 184 21, 211 25, 227 3, 227.16, 228 15, 232 13, 239 23, 240 5, 241 21, 250 16, 256 4, 256 9, 257 23, 264 4, 268-10 gotcha [1] - 63 23 gotten [1] - 87 23 Gould [1] - 165 18 GPS [5] - 197 25, 201 22, 261 5, 261 7, 264 3 grab [1] - 213 3 grabbed [2] - 26 10, 153 24 graduated [3] - 6.22, 7 6, 7 8 Graham [3] - 1 14, 5 15, 63 25 grass [4] - 89 23, 90-2, 90 4, 188 24 grassy [3] - 139 11, 189 2, 230 10 gratified [1] - 77 16 gray [1] - 223 25 great [7] - 57 23, 65 13, 165 21, 234 6, 239 4, 239 15, 248 25 green [2] - 141 9, 142.6 grew [4] - 6 23, 7 1, 12 11, 273 3 gripping [2] - 234 24, 235 2 ground [92] - 20 11, 22 9, 22 23, 24 1, 24 5, 26 3, 27 16, 56 14, 59 24, 60 5, 82 20, 83 5, 84 20, 85 2, 85-9, 86 8,</p>	<p>87 4, 87 9, 89 6, 95 24, 95 25, 96 4, 97 3, 97 23, 112 13, 113 4, 116 6, 119 15, 120 18, 122 9, 122 20, 129 6, 129 10, 129 13, 129 17, 129 23, 134 4, 134 22, 135.21, 139 6, 143 4, 144 11, 145 13, 145 23, 146 3, 147 7, 147 22, 149 13, 150 3, 151 1, 152 11, 152 20, 152 23, 152-24, 153 12, 183 24, 186 9, 186 21, 189 14, 207 19, 208 1, 208 11, 210 2, 232 8, 232 10, 232 12, 232 16, 232 24, 233 15, 233 20, 234 1, 234-7, 234.9, 234 12, 234 21, 235 10, 235 14, 236 3, 236 25, 239 8, 239 12, 243 22, 249 14, 249 16, 256 8, 257 3, 257 5, 258 15, 258 25, 259.15, 259 17, 267-9 group [7] - 33 5, 33 7, 33 16, 33 24, 67 15, 171 25, 182 14 Grove [1] - 199 2 grow [1] - 12-10 guess [21] - 19.25, 47 5, 69 3, 71 10, 71 17, 72 10, 72 15, 76 19, 86 4, 114 1, 149 4, 199 14, 208 3, 209 23, 219 4, 219 9, 241 18, 243 2, 272 3, 272.15 guessing [1] - 19 8 guesstimate [1] -</p>
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<p>154 4 gun [28] - 51 23, 80 13, 80 14, 80 15, 80 16, 80 18, 80 19, 80 24, 84 15, 84 21, 85 17, 86 2, 95 15, 96 11, 120 10, 120 12, 149 3, 152 7, 177 11, 204 7, 204 12, 204 15, 227 6, 227 8, 227 10, 227 13, 227 17 guns [18] - 16 3, 16 5, 50 20, 50 25, 51 6, 76 17, 76 18, 76 19, 82 24, 85.5, 85 22, 85 24, 95 21, 127 20, 177 9, 203 17, 258.10, 263 5 gunshot [2] - 86.25, 96 14 gunshots [15] - 23 2, 23 5, 24 10, 24 13, 24-17, 24 23, 29 1, 29 8, 29-9, 29 13, 56 8, 84 7, 84 8, 263 14, 263 17 guy [10] - 9 10, 20.2, 64.13, 76 24, 77 1, 77 14, 79 24, 80 14, 173 17, 258 17 guys [6] - 67 23, 74 3, 86 5, 186 22, 212 9, 212 15</p>	<p>50 15, 50 22, 52 11, 54 21, 55 21, 58 8, 59 16, 61 5, 64 6, 64 11, 67 19, 68 22, 69 21, 69 23, 69 25, 71 3, 71 12, 71:17, 72 12, 75 23, 77 19, 78 17, 79 7, 80 13, 80 18, 85 1, 85 20, 86 2, 86 13, 87 1, 87.23, 90-14, 91 13, 94 3, 95 13, 97 12, 103 14, 112 20, 118 5, 134 4, 134 5, 135 1, 135 12, 138 11, 141 19, 144 6, 150 9, 151 20, 152 3, 152 12, 154 9, 156 9, 156 11, 157 21, 158 6, 158 20, 159 4, 159.10, 160 1, 160 12, 163.16, 170 12, 172 15, 173 22, 173 23, 174 19, 176 18, 176 24, 176 25, 180 13, 183 2, 185 6, 186 3, 191 6, 201 24, 203 24, 204 1, 204 4, 208 6, 208 10, 208 16, 208 17, 212 14, 218 4, 220 10, 220 14, 222 2, 222 3, 222 13, 223 2, 223 4, 223 5, 223 7, 223 18, 227 4, 227 6, 227 22, 228 23, 229 13, 230 14, 230 22, 231 18, 231 19, 232 15, 233 20, 233 24, 234 5, 234 6, 234 11, 234 22, 235 9, 235 24, 236 1, 237 18, 237-23, 237 25, 238 1,</p>	<p>239 5, 239 13, 239 25, 240 8, 243 24, 244 8, 245 23, 246.7, 246 11, 251-3, 251.11, 251 12, 252 25, 256 7, 262 8, 262 17, 263 23, 264 11 hadn't [1] - 174 20 hair [6] - 72 12, 144 9, 220 11, 220 12, 224 4, 273 15 half [6] - 78 20, 91 13, 111 16, 119.10, 140 20, 195 12 hallucinations [1] - 35 3 hallway [2] - 29 19, 43 11 Hamilton [7] - 21 21, 168.13, 168 24, 171-17, 254 2, 254 4 Hancock [42] - 14 5, 15 4, 15 5, 15 10, 15 20, 17 22, 18 3, 21 22, 21 23, 31 14, 32 7, 32 8, 32 9, 32 15, 65 17, 101 12, 101.13, 106 5, 133 2, 168 12, 168 15, 170.8, 171 23, 182 1, 183 7, 184 21, 188 8, 188 13, 188 14, 198 24, 199 6, 203 12, 217 19, 218.11, 219 11, 226 11, 233 4, 235 21, 254 9, 256 4 hand [56] - 10 16, 30 1, 59 22, 59 24, 61 25, 75 23, 78 5, 79 14, 79.16, 79 17, 83-7, 83 8, 83 11, 83 12, 83-15, 87 17, 99 22, 110 10, 110 13, 110 19, 110 22, 110.25, 112 21, 115-16, 115 17, 130 17,</p>
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<p>H [2] - 11 18, 62-25 H-A-N-I-F-Y [1] - 62 25 H-I-N-E [1] - 11 18 had [177] - 9 7, 19 13, 21 12, 26 18, 27 3, 34 3, 34 4, 35 25, 36 14, 39 17, 39 19, 40 17, 40 25, 41 2, 41 3, 41 5, 41 6, 41 14, 41.25, 42 24, 43 7, 44 13, 47.8, 49 16,</p>		

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<p>116 4, 125 25, 126 3, 126 7, 126 11, 126 12, 139 17, 144 8, 152 6, 159 11, 159 19, 163.10, 165 14, 169 1, 169 3, 181 9, 182 16, 201 20, 222 22, 222 23, 228 20, 256 2, 258 17, 263 24, 268 10</p> <p>left-hand [1] - 201 20</p> <p>leg [1] - 153 17</p> <p>legs [5] - 21 7, 21 10, 208 16, 208 19, 237 7</p> <p>length [2] - 220 12, 248 7</p> <p>lengths [1] - 240 21</p> <p>less [7] - 135 24, 143 12, 143 24, 159 5, 159 13, 247 3, 264 25</p> <p>less-lethal [1] - 247 3</p> <p>Let [2] - 38 19, 178.2</p> <p>let [21] - 29 18, 38 10, 38 11, 38 12, 38 16, 42 25, 44 17, 45 5, 59 2, 64 20, 73 21, 93 14, 132 19, 145 24, 153 9, 158 5, 178 25, 194 9, 214 23, 252 10, 269 23</p> <p>Let's [3] - 42-16, 64 11, 116 25</p> <p>let's [8] - 14 3, 63 12, 106.9, 207 25, 220-5, 237 14, 268 13</p> <p>lethal [4] - 88 25, 95-9, 150 23, 247 3</p> <p>level [1] - 7 22</p> <p>leverage [1] - 21-1</p> <p>Lexington [46] - 2 2, 5 20, 6 22, 6 23, 7 5, 7 9, 12 6, 12 9, 12 21, 14 2, 31.10, 32 6, 63 14, 63 16, 63 17, 63 21, 64 5, 65 16, 90 3, 101 10, 101-16,</p>	<p>121 22, 125 18, 127 10, 132 6, 161 23, 167.14, 195 14, 195 17, 196 14, 196 16, 198 18, 198 22, 198 23, 199 25, 217 3, 217.15, 217 20, 244 4, 246 18, 250-22, 251 9, 265 12, 270 8, 270 25, 271.12</p> <p>Liberty [3] - 7 1, 253 14, 253 21</p> <p>life [2] - 12 10, 195 15</p> <p>lift [2] - 123 1, 209 11</p> <p>lifted [1] - 237-25</p> <p>light [2] - 220 13, 223 25</p> <p>lightung [1] - 58 11</p> <p>like [394] - 8 14, 8 25, 13 16, 15 13, 15 25, 16 1, 16 2, 16 4, 16 5, 19 8, 19 11, 19 17, 19 23, 20.2, 20 13, 20 14, 20 15, 20 23, 21 3, 21 14, 22-15, 23 5, 23 8, 23 12, 24 6, 24 12, 24 17, 24 24, 25 3, 26 6, 26 7, 26-9, 26 10, 26.11, 26 13, 26 17, 26.19, 26 21, 26 22, 26 25, 27 9, 28 1, 33 17, 33 19, 33 22, 33 23, 34 18, 34.20, 35 2, 35 24, 37-14, 38 1, 38 2, 38 6, 38 10, 38 14, 38 24, 38 25, 39 3, 39 4, 39 6, 39 7, 39 13, 39 14, 39.15, 40 7, 40 9, 40 14, 40.21, 40 22, 41 3, 41 4, 41-5, 41 8, 41 10, 41 11, 41 13, 41 15, 41 16, 41 25, 42 6, 42 13, 42 15, 42-16, 42 25, 43 7, 43 8, 43-20, 44 13, 45 2,</p>	<p>45 3, 46 10, 46.12, 46 13, 47 22, 47 23, 48 2, 48 5, 48 9, 48 10, 49 1, 49 2, 49-16, 49 24, 50 12, 50 13, 50 24, 51 1, 51 4, 51 18, 52 1, 52:3, 52 4, 52 12, 52 14, 52 15, 52 16, 52 18, 53 24, 54 7, 54 14, 54 18, 54 19, 54.21, 54 23, 54 25, 55 1, 55 5, 55 7, 55 12, 55.13, 55 15, 55 16, 55 17, 55 21, 55 22, 55 23, 56 20, 56 25, 57 1, 57 2, 57 3, 57 4, 57 18, 58 10, 58 13, 58-17, 59 8, 60 20, 67 11, 67 12, 67 15, 67 16, 68 4, 68 22, 69:11, 71 8, 71 22, 73 23, 75 23, 78 4, 78 13, 78.22, 78 24, 79-11, 79 20, 80 19, 80 20, 80 21, 80 22, 80 24, 80.25, 81 13, 82 1, 82 2, 82.18, 82 20, 83-10, 83 16, 83 22, 84 6, 84 14, 84 20, 85 7, 85 9, 85 14, 85 15, 85 20, 86 1, 86 2, 86 6, 86 18, 88 1, 88.3, 88 4, 89 12, 89-17, 89 19, 90 4, 90 21, 90 22, 91 20, 94 2, 102 13, 102 14, 104 7, 104 9, 104 25, 105 3, 105 5, 105 10, 105 23, 107 13, 109 10, 109 14, 111 16, 112 5, 112 6, 112 9, 112.14, 112 16, 112 22, 113 9,</p>
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<p>Y</p>		
<p>Y [2] - 11 24, 62 25 yard [7] - 46 8, 46 17, 46 24, 71 10, 71 16, 94 12, 221 22 yards [2] - 6 23, 6 24 Yeah [4] - 32 10, 40 17, 40 24 yeah [240] - 14 25, 16 21, 17 2, 17 20, 22 7, 28 18, 31 3, 31 8, 32.2, 32 10, 33 7, 33 9, 33 13, 33 23, 34 5, 34 9, 34 11, 34 14, 34 17, 34 25, 35 2,</p>		

<p>69 23, 70 1, 138 1, 152 12, 163 8, 180.22, 199 20, 205 13, 218 18, 218 25, 219 22, 220 24, 221 13 Yes [1] - 115 5 yes [247] - 8 16, 10 21, 12 17, 12 25, 13 12, 14 15, 16 13, 17 12, 17 23, 18 1, 18 5, 18 8, 19 1, 19 4, 19 6, 25 20, 25 25, 27 9, 27 11, 30 6, 31.11, 32 13, 32 21, 32 23, 34 1, 45 9, 61 2, 62 4, 62 23, 64 2, 64 3, 65.1, 65 8, 65 12, 65 18, 65 23, 66 7, 67 5, 67 25, 70 25, 71 5, 71 14, 71 20, 73 2, 73 5, 73 24, 74 2, 75 20, 77 21, 78 2, 78:10, 78 25, 80 2, 80 5, 80 9, 82 4, 82 16, 83 19, 88 4, 90 6, 90 8, 91.4, 92 14, 93 13, 94-8, 95 19, 96 2, 97 20, 97 24, 99 6, 100 11, 101 24, 102 4, 102 19, 103.3, 103 5, 104 11, 106 2, 110 2, 110 4, 110 14, 114.25, 121 4, 121 19, 123 23, 124 14, 126 14, 126 21, 126 23, 127 18, 132 9, 133 4, 133 9, 133 15, 136 14, 142 22, 145 10, 146 21, 148 6, 148 16, 151 12, 151-14, 153 8, 154 8, 154 11, 158 8, 158 10, 159 6, 159 9, 159 14, 159 21, 160 6, 160 7, 160-10, 160 24, 162 17,</p>	<p>164-1, 164 4, 168 21, 168 23, 169 16, 173 15, 176 22, 180 23, 180 25, 182 13, 187 24, 188 10, 188 15, 188 18, 189 3, 189 5, 189 12, 189 22, 190 16, 191 14, 191.16, 194 3, 196 2, 196 3, 196 4, 196 5, 196 7, 196 15, 197 10, 197 24, 198 15, 198 20, 199 13, 199 25, 200 5, 200 12, 200 20, 200 21, 200 22, 201 2, 201 23, 202 2, 202 6, 202 11, 202 14, 204 25, 205 9, 206 7, 210 7, 215 2, 216 5, 216 13, 217 21, 218 9, 218 16, 219 12, 219 23, 220 9, 220 25, 221 2, 221 7, 222 10, 223 3, 225 2, 225 25, 228-1, 228.13, 229 24, 232 11, 232 13, 233 17, 236 17, 236 20, 237 12, 240 6, 243 5, 244 22, 247 13, 247 16, 247 19, 248 17, 249 15, 250 25, 255 2, 255 16, 255-23, 255 25, 256 6, 258 8, 259 10, 259 19, 260 9, 260 11, 260 15, 260 18, 260 25, 261 5, 261.12, 262 10, 262 25, 263 8, 264 10, 264 13, 264 24, 265.1, 265 4, 265 10, 265.17, 267 7, 267 14,</p>	<p>272 8, 272 18, 272 22 yet [4] - 22 2, 97 13, 188 7, 211 13 you [1416] - 5.4, 5 8, 8 22, 9.25, 10 3, 10 15, 10 18, 10 20, 11 1, 11 3, 11 7, 11 9, 11 14, 11 22, 11 25, 12 5, 12 7, 12 9, 12 10, 12 12, 12 14, 12 20, 12 23, 13.1, 13 4, 13 7, 13-9, 13 11, 13 13, 13 18, 13.20, 13 22, 14-1, 14 16, 14.20, 14 21, 15 2, 15 6, 15 8, 15 9, 15 15, 15 16, 16 6, 16 10, 16 11, 16 16, 16 19, 16 25, 17 18, 17 24, 18 9, 18 10, 18 11, 18 16, 18 17, 18 20, 18 24, 19 2, 19 7, 19 9, 19 11, 19 16, 19.19, 19 20, 20 3, 20 7, 20 9, 20 10, 20 11, 20 19, 20 20, 20 25, 21 11, 21 13, 21 20, 22 3, 22 8, 22 10, 22 13, 22 14, 22 18, 22 21, 22 25, 23 5, 23 17, 23 20, 23 22, 23 25, 24 7, 24.10, 24 11, 24-12, 24 22, 24 23, 25 4, 25 5, 25 9, 25 10, 25 12, 25 14, 25 17, 25 22, 25 24, 26 1, 26 3, 26 12, 26 21, 27 2, 27 3, 27.5, 27 14, 27 15, 27 19, 27 20, 27 25, 28.11, 28 14, 28 22, 28 24, 28 25, 29 6, 29 7, 29 9, 29 14, 29 15, 30 2, 30.4, 30 14, 30 15,</p>
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<p>30 19, 31 4, 31 5, 31 9, 31 12, 31 17, 31 19, 31 22, 31 23, 32 1, 32 3, 32 8, 32 14, 32 18, 32-20, 32 24, 33 4, 33 10, 33 19, 33 25, 34 4, 34 6, 34 12, 34 15, 34 23, 35 4, 35 11, 35 19, 36 1, 36 5, 36 9, 36.14, 36 20, 36 25, 37 10, 37.11, 37 12, 37-17, 37 20, 37-21, 37 23, 38 16, 38 18, 39 8, 39 22, 39 23, 40.2, 40 10, 40 11, 40 12, 40.21, 40 22, 40 25, 41 19, 42 2, 42 11, 42 18, 42 20, 43 3, 43 11, 43 17, 44 7, 44-10, 44 11, 44 14, 44 17, 44 19, 44 25, 45 22, 46 20, 46 21, 47.6, 47 10, 47 16, 47 20, 48 11, 48 15, 48 18, 49 22, 50 2, 50 10, 50 17, 50 21, 51 2, 51 9, 51 24, 52 2, 52.5, 52 6, 52 7, 52 13, 52 15, 52 21, 52 22, 52 24, 53 1, 53 3, 53.5, 53 8, 53 9, 53-11, 53 13, 53 16, 53 20, 53 21, 54 4, 54 7, 54 8, 54 14, 54.15, 56 5, 56 9, 56 12, 56 13, 56 16, 57 6, 57 10, 57 25, 58 3, 58 23, 59-3, 59 4, 59 7, 59.8, 59 20, 59 21, 60 3, 60 25, 61 17, 62 1, 62 2, 62 3, 62 9, 62 14, 62 15, 62 22, 62 24, 63 1, 63 3, 63 5, 63 7, 63 10, 63 15, 63-24, 64 2,</p>	<p>64 3, 64 4, 64 9, 64 10, 64 20, 64 24, 65 2, 65 3, 65 6, 65 7, 65 9, 65 14, 65 15, 65 19, 65 22, 65 24, 66 1, 66 8, 66 9, 66 18, 66 19, 66 20, 66 23, 67 4, 67 6, 67 10, 67 12, 67-22, 67 23, 68 1, 68 9, 69 7, 69 10, 69 12, 69.14, 70.7, 70 23, 71 3, 71 6, 71 8, 71 9, 71 12, 71 21, 71 24, 72 2, 72 3, 72-8, 72 15, 72 17, 72 20, 73 3, 73 4, 73 6, 73 7, 73.8, 73 20, 73 21, 73 23, 73 25, 74 3, 74 6, 74 14, 74 17, 75 4, 75 7, 75 8, 75 10, 75 14, 75 17, 75 18, 75 22, 76 4, 76 10, 76 11, 76 15, 76 22, 77 1, 77.3, 77.6, 77 8, 77 10, 77 11, 77 13, 77 19, 77 20, 77 22, 77 24, 77 25, 78 3, 78 8, 78 11, 78 13, 78 15, 79 6, 79 8, 79 12, 79 14, 79 19, 79 20, 79 24, 80 3, 80.6, 80 10, 80 19, 81 5, 81 8, 81 19, 82 5, 82 9, 82 17, 82 23, 83 7, 83 10, 83 13, 83 17, 83 18, 83 22, 83 25, 84 5, 84 8, 84 13, 84 14, 84 18, 84 19, 85 12, 85 14, 85 17, 85 22, 86 8, 86.11, 86 22, 86 23, 87 3, 87 5, 87 7, 87 13, 87 14, 87 15, 88 8, 88 15, 89 1, 89-3, 89 14, 90 1, 90 14, 90 17, 91 6, 91 8, 91 24,</p>	<p>91 25, 92 10, 92 12, 92 15, 92 16, 92 20, 92 24, 93 4, 93 11, 93 14, 93 23, 94 4, 94 5, 94 9, 94 10, 94 17, 94.22, 95 7, 95 8, 95 10, 95 16, 95 20, 95 21, 95 23, 96 3, 96 13, 96 16, 96 17, 96 18, 96 25, 97 5, 97 11, 97 12, 97-25, 98 6, 98 8, 98 19, 99 23, 99 24, 99.25, 100 6, 100 14, 100 15, 100 18, 100 23, 101 5, 101 9, 101 16, 101.23, 101 25, 102 5, 102 7, 102 15, 102 17, 102 20, 102 21, 102 22, 103 2, 103 4, 103 7, 103 14, 103 24, 104 7, 104 9, 104 17, 104 24, 104.25, 105 7, 105 16, 105 20, 105 21, 105 22, 105 23, 105 24, 105 25, 106 9, 106 10, 106 12, 106 15, 106 20, 106 25, 107 3, 107 9, 107.17, 107 18, 107 23, 108.6, 108 9, 108 13, 108 20, 108 25, 109 7, 109 8, 109 22, 110 5, 110 15, 110 19, 110 20, 110 22, 111.18, 111 20, 112 6, 112-9, 112 11, 112.20, 112 22, 113 2, 113 6, 113 8, 113 11, 113 12, 113 14, 114 9, 114 13, 114 24, 115 8, 115 9, 116 11,</p>
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116 12, 116 19, 117 3, 117 16, 117 18, 117 22, 118 3, 118 8, 118 14, 118 16, 118 17, 118 18, 119 3, 119 5, 119 9, 119.13, 119 14, 119 17, 119 18, 119.24, 120.6, 120 11, 120.14, 120 22, 121 7, 121 8, 121 15, 121 16, 121 21, 121.22, 121 23, 122 4, 122.13, 122 17, 122 18, 122 21, 122 23, 123 3, 123 8, 123 10, 124 2, 124 3, 124 6, 124 11, 124 17, 124 19, 124 20, 124 23, 125 3, 125 9, 125 10, 125 13, 125 14, 125 18, 125 21, 126 17, 127 10, 127 15, 127 21, 128 2, 128 6, 128 7, 128 14, 128.16, 128 22, 128 23, 128 25, 129 6, 129 9, 129 12, 129 16, 129 24, 130 3, 130 5, 130 6, 130 14, 130 18, 130 20, 131 3, 131 4, 131 8, 131 14, 131 15, 131 16, 131 21, 132 1, 132 5, 132 7, 132 13, 132 16, 132 20, 132 22, 133 1, 133 7, 133 16, 133 17, 133 19, 134 1, 134.9, 134.10, 134 11, 135 2, 135 6, 135 9, 135 12, 135 14, 136 11, 136 13, 137 5, 137 6,	137 9, 137 11, 137 15, 137 18, 137 20, 138 15, 138 18, 138 22, 138 25, 139 2, 139 11, 140 3, 140 4, 140 10, 140 11, 140 14, 140 18, 141 8, 141 13, 141 14, 141 15, 141 19, 141.23, 142 6, 142 7, 143 4, 143 7, 143 8, 144 1, 144 4, 145 3, 145 4, 145 8, 145 15, 145 21, 145 24, 146 2, 146 4, 146 22, 147 1, 147 2, 147 6, 148 5, 148 7, 148 10, 148 14, 148 15, 149 2, 149 5, 149 11, 149 12, 149 15, 149 18, 150 1, 150.6, 150 14, 150 16, 150 24, 151 20, 152 1, 153 4, 153 25, 154 9, 154 17, 154 19, 154 21, 155 3, 155 6, 155 7, 155 8, 155 9, 155 10, 155 11, 155.16, 155 21, 156 9, 156 10, 156 11, 156 13, 156 15, 156 17, 156 22, 156 23, 156 25, 157 14, 157.20, 158 4, 158 20, 159 2, 159 10, 159 19, 160 16, 160 25, 161 7, 161 15, 161 20, 161 22, 161 25, 162.5, 162 7, 162.8, 162 14, 162 19, 162 25, 163 2, 163 5, 163 20, 163 22, 164 8, 164 10,	164 13, 164.14, 164 15, 164 23, 166 2, 166 4, 166 14, 166 15, 166 21, 166 24, 166 25, 167 1, 167 9, 167 13, 167 17, 167.19, 167 21, 168 1, 168 8, 168 9, 168 17, 168 19, 169 19, 170 11, 170 16, 170 18, 170 19, 171.16, 172 20, 172 23, 173 14, 173 19, 174 6, 174 7, 174 9, 174.13, 174 25, 175 2, 175 3, 175 6, 175 8, 175 14, 175.15, 175 17, 177 12, 177 16, 177 17, 177 20, 177 23, 178.2, 178 7, 178 9, 178 17, 178 25, 179.1, 179 2, 179 9, 179 10, 179 14, 179 18, 179 25, 180 2, 180 11, 180 21, 181 1, 181 8, 181.12, 181 15, 181 21, 181 23, 182 11, 183 9, 183 16, 184.3, 184 7, 184 11, 184 12, 184 13, 184.15, 185 3, 185 5, 185 9, 185 12, 185 14, 185 20, 186.5, 186 6, 186 12, 186 15, 186 16, 186 17, 186 22, 187 3, 187 9, 187 11, 187.24, 188 4, 188 5, 188 7, 188 11, 188 16, 189 6, 189 10, 189 13, 189 23, 190 4, 190 6, 190 9, 190 12, 190 13,
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<p>259 20, 259 23, 259.24, 259 25, 260 5, 260 9, 260 19, 260 23, 260 24, 261 6, 261 7, 261 11, 261 14, 261 24, 262 1, 262 7, 262 11, 262 12, 262.14, 262 15, 263 1, 263 2, 263 7, 263 16, 263 17, 263 22, 263 23, 263 24, 263 25, 264 7, 264 8, 264 20, 265 5, 265 8, 265 15, 265 21, 266 7, 266 8, 266 14, 266 17, 266 25, 267 1, 267 15, 267 20, 267 23, 267 25, 268 8, 268 11, 269 23, 270 21, 270 22, 272 16, 272 23, 273 8, 274 4 You [1] - 73 15 you'd [5] - 12 20, 115 1, 199 23, 262 7, 265 9 you'll [3] - 10 19, 30 3, 130 19 You're [1] - 178 25 you're [98] - 9 21, 14 11, 15 15, 17 19, 20 15, 20 18, 21 8, 24 4, 30 20, 35 17, 35.18, 37 18, 42 8, 43 15, 43 22, 44 21, 44 23, 46.1, 49 5, 51 12, 58 5, 59 4, 62 10, 76 20, 80 11, 86 9, 92 12, 94 19, 102 2, 103 6, 107 21, 108 11, 110 13, 113 16, 114 8, 116 15, 116 16, 118 16, 118 17, 119 5, 119 17, 120 16, 126 5, 126 7, 131 18,</p>	<p>133 16, 133 17, 134 2, 135.12, 135 14, 137 2, 141 7, 141 24, 142 8, 143 1, 146 18, 146 20, 150 8, 151 7, 151 8, 154 10, 159 10, 165 24, 166 3, 168.4, 176 20, 178 2, 178 8, 178 17, 184 8, 184 9, 186 23, 190.21, 193 24, 197 16, 199.6, 199 13, 209 1, 220 7, 230 4, 234 25, 248 5, 252 13, 254 12, 255 24, 260 9, 261.14, 267 8, 267.23 you've [8] - 57.25, 107 16, 125 24, 126 6, 129 24, 199 4, 206 15 young [1] - 186 18 youngish [1] - 135 5 your [238] - 5 6, 5 9, 5 14, 5.16, 5 19, 5 21, 7 21, 8.2, 10 15, 10 24, 11 7, 11 9, 11 15, 11.20, 11.22, 12 3, 12 9, 12 18, 13 5, 13 24, 14 18, 16 12, 19 11, 20.18, 20 19, 22 25, 23 16, 25 21, 29 23, 30 1, 30 14, 33 20, 34 13, 35 18, 36 14, 38 18, 40.7, 44 5, 46 14, 47 20, 51 16, 51 20, 52 6, 52 22, 54 14, 55.11, 57 22, 58 19, 58 21, 58 24, 61.15, 61 16, 61 20, 61 22, 61 25, 62 22, 62 24, 63 3, 64.21, 65 15, 67 11, 68 25, 70 11, 70.16,</p>	<p>70 23, 71 22, 73 22, 74 1, 77 25, 78 9, 82 3, 83 7, 83 8, 83 10, 85 14, 91 9, 91 24, 91 25, 92 6, 92 8, 93 4, 93 15, 93.22, 98 4, 98 10, 98.21, 99 22, 100.5, 100 19, 100 24, 101 5, 101 6, 103 4, 103 7, 104 17, 106 12, 107 25, 109 9, 110 13, 110 19, 110 20, 112 21, 120 16, 123 23, 125 10, 125 11, 125 21, 126 8, 128 2, 128 24, 130.16, 131 8, 131 14, 131.15, 131 17, 132 1, 132 10, 132 23, 133 7, 140 11, 145 3, 146 4, 146 19, 148 13, 151.9, 155 9, 155 14, 158.12, 159 22, 160.19, 161 6, 161 25, 164 25, 165 25, 166 15, 166 21, 167 9, 167 24, 168.17, 175 2, 177 4, 181 9, 184 9, 187 24, 188 22, 190 14, 190 18, 191 18, 191 20, 192 1, 193 20, 193 23, 194 18, 195 2, 195 7, 195 14, 196 11, 196.13, 196 18, 197.3, 197 22, 197 23, 198 3, 198 13, 198 16, 199 8, 200 4, 200 16, 200 22, 201 13, 201 22, 202.4, 203 2, 206 6, 206 8, 208 6, 208 15, 208 16, 209.1, 209 2,</p>
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<p>210 5, 211 8, 215 2, 215 12, 215 19, 216 7, 216 11, 216 25, 217 13, 217 17, 218 14, 221 1, 225 24, 234 25, 235 8, 237 25, 238 1, 243 14, 244 9, 245 3, 246.24, 247 10, 247 14, 247 19, 249 17, 252 21, 253 6, 255 1, 255 11, 255 13, 255 15, 261 3, 261 7, 261 15, 262 14, 262 23, 264:8, 265 15, 266 7, 266 8, 268 17, 268 23, 268 25, 269 3, 270 22, 272.22</p> <p>Your [2] - 17 4, 17 10 yours [1] - 45 10 yourself [6] - 11 15, 166.8, 195 20, 217 25, 251 25, 261 3</p> <p>yup [13] - 11 11, 27 13, 106 11, 114 6, 144 5, 167 11, 188 25, 201.18, 203 4, 206-17, 214 19, 217 23, 254 1</p>
<p style="text-align: center;">Z</p>
<p>zebra [2] - 174 7, 176 17 zegrimum [1] - 91.17 zero [2] - 219 6, 219 7 Zoom [2] - 165 5, 165 17 Zooming [1] - 217 6</p>

SUPPLEMENTARY PROCESS APPLICATION AND SUMMONS G.L. c. 224, § 14	DOCKET NO (court use only)	District Court Department Supplementary Process Session
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INSTRUCTIONS TO THE JUDGMENT CREDITOR (PLAINTIFF): This application must be filed with the clerk's office along with the required entry fee. The clerk's office will add the DOCKET NO. and DATE & TIME OF HEARING, and will then return the completed summons under court seal to you. You must arrange to have a person authorized to serve civil process serve this summons on the judgment debtor at least 7 days before the hearing date.

APPLICATION: The below-named and undersigned Judgment Creditor (Plaintiff) hereby makes Application for Supplementary Process against the below-named Judgment Debtor (Defendant) for payment of the unsatisfied civil judgment described below.

NAME AND ADDRESS OF JUDGMENT CREDITOR (PLAINTIFF) (to be completed by Judgment Creditor)	COURT NAME AND ADDRESS (court use only)
NAME AND ADDRESS OF JUDGMENT DEBTOR (DEFENDANT) (to be completed by Judgment Creditor)	DATE AND TIME OF HEARING AT ABOVE COURT (court use only) _____ AT _____ DATE TIME
SIGNATURE OF JUDGMENT CREDITOR (PLAINTIFF) OR ATTORNEY X (if signed by attorney, also print attorney name, address, BBO number and phone number below) Atty. Name: _____ BBO #: _____ Firm Name: _____ Phone: _____ Address: _____	CIVIL JUDGMENT THAT REMAINS UNSATISFIED (to be completed by Judgment Creditor) COURT NAME CASE NAME DOCKET NO JUDGMENT DATE

SUMMONS TO THE JUDGMENT DEBTOR (DEFENDANT): You are hereby **ORDERED TO APPEAR** in the supplementary process session of this court at the date and time shown above to be examined regarding your property and your ability to pay the civil judgment described above that was entered against you and which is alleged to remain unsatisfied. **IF YOU FAIL TO APPEAR AS ORDERED, THE COURT MAY ISSUE A CAPIAS (WARRANT) FOR YOUR ARREST.**

If you are currently unable to pay the full amount of this judgment, you must appear in court and explain to a judge your reasons for requesting time to pay. You should bring with you to the hearing any documents or other information you have regarding your current ability to pay (bank statements, pay stubs, etc.). Prior to the hearing you should complete a "FINANCIAL STATEMENT" form, which is available from the court clerk's office or at www.mass.gov/courts/districtcourt. By law, all income from certain public assistance and benefit programs, plus a portion of any wages or employment-based retirement payments, will be exempt from any payment order. A list of these exemptions is available from the court clerk's office or at www.mass.gov/courts/districtcourt.

TESTE OF FIRST JUSTICE (court use only)	SIGNATURE OR FACSIMILE OF CLERK-MAGISTRATE/ASST CLERK X
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INSTRUCTIONS TO ANY PERSON AUTHORIZED TO SERVE CIVIL PROCESS: You are hereby commanded to serve a copy of this summons at least 7 days before the return date shown above, as provided in G.L. c. 224, § 14, and make return of service below. If the debtor is a natural person, service may be made in hand or by leaving at the debtor's last and usual place of abode. If the debtor is a corporation, service may be made by delivering in hand to, or by leaving a copy at the business office of, the president, treasurer, clerk, resident agent, cashier, secretary, agent or other officer in charge of its business, or, if no such officer is found within the county, any member of the corporation. If the debtor is a trust with transferable shares, service may be made in the same manner on any trustee.

RETURN OF SERVICE: I certify that I served this process by ("x" one)

Delivering a copy of it personally to the judgment debtor.
 Leaving a copy of it at the dwelling house or usual place of abode of the judgment debtor with a person of suitable age and discretion residing there.
 Mailing a copy to the debtor at the debtor's last known address, shown above.
 Other (explain):
 I was unable to make service because:

DATE & TIME SERVED	SIGNATURE OF PERSON MAKING SERVICE X	TITLE OF PERSON MAKING SERVICE
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