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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

DISTRICT COURT DEPARTMENT
OF THE TRIAL COURT

IN RE: INQUEST INTO THE DEATH * 2352IN000001
OF SAYED ARIF FAISAL *

RE: INQUEST
(ENTIRE TRANSCRIPT IMPOUNDED)
SECOND CONFERENCE (VIA ZOOM)
BEFORE THE HONORABLE JOHN F. COFFEY

APPEARANCES:

For the Commonwealth:
Middlesex District Attorney's Office
By: Carrie Spiros, Assistant District Attorney
By: Caroline Evans, Assistant District Attorney
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For the Next of Kin:
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Medford, Massachusetts
Courtroom 4
March 3, 2023

Court Transcriber: Lisa Marie Phipps, Certified Shorthand
Reporter, Registered Professional Reporter, Certified
Realtime Reporter

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I N D E X
EXAMINATION

WITNESS:
(None.)

EXHIBITS:
(None.)

FOR IDENTIFICATION:
(None.)

1 R O C E E D I N G S

2 (Court called to order.)

3 (3:00 p.m.)

4 THE COURT: All right. Good afternoon,
5 everyone.

6 MS. SPIROS: Good afternoon, your Honor.

7 MS. KAZAROSIAN: Good afternoon.

8 THE CLERK: All right. You have the
9 protective order, right, signed?

10 MS. SPIROS: Yes. We received that.
11 Thank you.

12 THE CLERK: Okay.

13 THE COURT: Attorney Kazarosian, good
14 afternoon.

15 MS. KAZAROSIAN: Yes, Kazarosian.
16 Thank you.

17 Good afternoon.

18 THE COURT: Kazarosian. I'm sorry.
19 Good afternoon.

20 MS. KAZAROSIAN: That's okay.

21 THE COURT: And we are just waiting, I
22 think, on Attorney Anderson, correct?

23 THE CLERK: Yes.

24 MS. SPIROS: Yes. He is just texting me,
25 asking if it's the same log in, so I'm just going

1 to forward him the information.

2 THE COURT: Okay. All right. Thank you.

3 THE CLERK: Because it is not the same.

4 I think I -- I used mine this time.

5 MS. SPIROS: Yeah. I will let him know

6 that right now, Madam Clerk.

7 THE CLERK: Sorry about that.

8 (Pause.)

9 MS. SPIROS: I sent it to him.

10 (Pause.)

11 THE CLERK: Your Honor, I'm going to go

12 down to Third Street on Monday --

13 THE COURT: Okay.

14 THE CLERK: -- and make sure that, like,

15 the FTR and everything is --

16 THE COURT: Okay. All right. Great.

17 THE CLERK: -- is running.

18 THE COURT: Great. Thank you.

19 THE CLERK: Okay.

20 THE COURT: Thank you.

21 And I'll -- I'll give Judge Kahn a call

22 after we -- just once we solidify the dates --

23 THE CLERK: Yep.

24 THE COURT: -- just so, you know, so he

25 knows what's happening as well.

1 THE CLERK: Okay.

2 THE COURT: And -- do you want me to
3 reach out to Joe Jackson, too, to see if he can
4 meet you there in case there is any issues with
5 FTR?

6 THE CLERK: That's funny.

7 I was just going to reach out to Phil and
8 Joe, so I'll --

9 THE COURT: Okay.

10 THE CLERK: -- I'll coordinate with them.

11 THE COURT: Okay. All right.

12 THE CLERK: Okay?

13 THE COURT: All right. Great. Thanks.

14 MS. SPIROS: Madam Clerk, Mr. Anderson
15 said he's in the waiting room.

16 THE CLERK: He is.

17 Thank you very much.

18 MS. SPIROS: You're welcome.

19 THE CLERK: Sorry, that -- sorry about
20 that, counselor.

21 It is a different -- it was a different
22 Zoom this time.

23 MR. ANDERSON: You are trying to trick
24 me.

25 No problem. It's my bad.

1 Carrie -- Carrie helped me.

2 THE CLERK: No worries.

3 THE COURT: All right. Good afternoon,
4 Attorney Anderson.

5 MR. ANDERSON: Good afternoon, Judge
6 Coffey.

7 THE COURT: All right. And I think we
8 have everybody.

9 We have Attorney Spiros, Attorney Evans,
10 Attorney Anderson, and Attorney -- and I am going
11 to mispronounce it one last time.

12 MS. KAZAROSIAN: You can say Marsha.

13 THE COURT: Okay. All right.

14 MS. KAZAROSIAN: Kazarosian.

15 THE COURT: Kazarosian. Okay. I won't
16 mispronounce it again.

17 MS. KAZAROSIAN: No problem.

18 THE COURT: All right. So thanks,
19 everybody, for joining in. I know it's late on a
20 Friday.

21 I just wanted to -- I -- after I've
22 reviewed -- I first reviewed the -- what was
23 marked notice of discovery 1, and after I
24 reviewed it I -- I thought that given what I had
25 and what I figure will get prior to March -- and

1 Attorney Spiros will address that in a second --
2 that there's no sense in delaying it until we get
3 the final ME report.

4 So, with that, I asked everybody to come
5 on to see -- to see what dates we can do this.

6 And from the email chains I was looking
7 at, it looked like -- and I think, Attorney
8 Kazarosian, you weren't on that chain -- but it
9 looked like the week of March 20th.

10 Am I right?

11 MS. SPIROS: That's correct.

12 THE COURT: And, Attorney Kazarosian, how
13 does that fit into your schedule?

14 MS. KAZAROSIAN: Um...

15 That -- I mean, yes, I can do that week.

16 It's just -- I would like to have more
17 time to review stuff but, um, I just got on
18 board, but, um...

19 THE COURT: Okay.

20 MS. KAZAROSIAN: If I could -- you know,
21 I understand everyone is under a time --

22 THE COURT: Yeah.

23 MS. KAZAROSIAN: -- constraint.

24 And my understanding is we don't have the
25 ME's report yet, right?

1 Is that correct?

2 THE COURT: We don't.

3 And, hopefully -- it may become
4 available, but I figured no sense delaying the
5 actual -- if there's any witnesses to be called,
6 let's get that under way.

7 And then if something -- if I feel I need
8 something else, we can always just delay it to
9 obtain that.

10 But I don't want to -- I just don't think
11 it's something that we should be delaying any
12 longer given what I've already learned about
13 the -- the matter.

14 And as I think I -- you weren't present
15 on the first call.

16 I have not looked at any of the news
17 reports about this case of the and I know there
18 are some news reports about it.

19 I did -- once I was assigned to this --
20 and I was assigned probably the day after it was
21 requested, which was probably immediately after
22 the incident -- I have not looked at anything.

23 But now that I have some feeling of what
24 this case is about, I think we can -- we can
25 start this.

1 And if I need some more information, we
2 can always suspend and obtain that at a later
3 date. Okay.

4 MS. KAZAROSIAN: That's fine.

5 THE COURT: So, with that, I think you
6 may have heard Clerk-Magistrate Casey talk about
7 the Cambridge location.

8 And the reason why we are doing that is
9 to do it over at the actual Cambridge District
10 Court/Malden District Court; we'd have to sort of
11 bifurcate our days a little bit, start late, so
12 that they could get their daily work done.

13 But if we go over to Cambridge, we can go
14 right from 9:00 to 4:00.

15 And I think that's better for all parties
16 involved if we can just keep this going right at
17 9:00 and move along and go day-to-day until it's
18 complete, at least the witness aspect of the --
19 of the inquest. So that's why we're doing it in
20 Cambridge.

21 And I think that leads me to my next
22 topic I wanted to discuss is -- you know,
23 Attorney Spiros, what are you proposing for
24 actually bringing in for live witnesses and how
25 many?

1 MS. SPIROS: In terms of the actual names
2 or a number at this point?

3 THE COURT: Number. A number.

4 MS. SPIROS: I think we've gotten the
5 list down to about 25 to 30.

6 THE COURT: Okay.

7 MS. SPIROS: And I -- some of them are
8 very short, obviously.

9 THE COURT: Okay.

10 MS. SPIROS: And some of them are still a
11 little bit up in the air, as well.

12 I do anticipate about 25 to 30.

13 THE COURT: Okay. And you say some of
14 those are short and some of those probably have
15 already given recorded statements?

16 MS. SPIROS: That's right.

17 They're -- particularly a lot of civilian
18 witnesses, it's very limited as to what they
19 actually saw.

20 THE COURT: Yeah. Okay.

21 Okay. And what -- what I think might be
22 helpful is -- you know, given their availability,
23 too -- if you and Attorney Evans and maybe even
24 Attorney Anderson with Attorney Kazarosian, if
25 you could just work on getting which ones will

1 appear on which days, so that way no one's
2 waiting around.

3 So if we have Monday, Tuesday, Wednesday,
4 we could have a list that's going to be called on
5 Monday. That way no one's waiting around.

6 And then we can -- once we exhaust that
7 list, we can -- we can break for the day --

8 MS. SPIROS: Uh-hum.

9 THE COURT: -- or the Tuesday.

10 That way no one's going to be -- and
11 we'll try to get through every witness so that no
12 witness have to come back, you know, from say,
13 Monday afternoon to Tuesday morning.

14 Does that sound doable to you?

15 MS. SPIROS: That sounds -- that sounds
16 very doable, your Honor.

17 THE COURT: Okay. And I know we -- I
18 know I asked everybody to block off four to
19 five days, but I am kind of hoping we can do this
20 in three to four.

21 Does that sound doable?

22 MS. SPIROS: I think four sounds doable.

23 THE COURT: All right. I am going to ask
24 it again, Attorney Spiros.

25 Do you think three -- three or four

1 sounds doable?

2 MS. SPIROS: I think three or four sounds
3 great, your Honor.

4 THE COURT: All right. Okay. Good
5 answer.

6 MS. SPIROS: Progress.

7 THE COURT: All right. And the other
8 thing that -- before I turn it over to counsel
9 is, I think I may have sent an email about we did
10 get, from the language office, a Bengali
11 interpreter.

12 MS. SPIROS: Great.

13 THE COURT: And all I have to do is give
14 them the dates well in advance, and they will
15 have a Bengali interpreter -- interpreter
16 present.

17 Now, anybody who's worked in the court
18 system long enough knows that just because the
19 language offices will have a Bengali interpreter
20 present doesn't mean that we are going to have a
21 Bengali interpreter present every day, all right.

22 So, with that, like I said, we are going
23 to have one; but just on the off-chance there
24 isn't, I don't want to delay it because even
25 though the next of kin, the family, you know,

1 have the right to be there, it's a little
2 different because -- unless they are going to
3 give testimony -- what's going to happen so --
4 but I think we can alleviate that -- that issue
5 if the family has a bilingual friend, maybe
6 another family member, who would assist the
7 Court.

8 What I can do is then make an exception
9 and allow them into the inquest, so that at least
10 they are available, so that the family members
11 can have someone there to interpret for them.

12 And so I think this is -- Attorney
13 Kazarosian, how does that sounds to you?

14 MS. KAZAROSIAN: I -- I think that's
15 doable.

16 I know that the father -- because I'm
17 coming in for the father.

18 THE COURT: Okay. I see.

19 MS. KAZAROSIAN: Just the father.

20 Father's brother is bilingual, so I've
21 communicated through him.

22 And there's also, I believe it's father's
23 sister, who is in Bangladesh right now but I
24 think coming back next week some point.

25 THE COURT: Okay.

1 MS. KAZAROSIAN: And I think between the
2 two of them, hopefully, they will be able to
3 cover. So I would like, if possible, have both
4 of them be able to come in.

5 THE COURT: I will make an exception -- I
6 will allow both of those, the brother and the
7 sister or the father to come in.

8 And -- and they -- even if we have the
9 interpreter, I'll let them stay, because, of
10 course, there could be an issue.

11 MS. KAZAROSIAN: So I was going to ask
12 you that because then I would -- I need the
13 brother or someone to communicate with --

14 THE COURT: To communicate -- communicate
15 with your client.

16 MS. KAZAROSIAN: Yes.

17 THE COURT: Yes.

18 MS. KAZAROSIAN: And I can't obviously do
19 that.

20 THE COURT: Right.

21 So -- so why don't we plan on that.

22 So just let your client know that his
23 brother and his sister are going to be allowed to
24 come into the courtroom.

25 MS. KAZAROSIAN: Okay.

1 Does anybody -- anybody have an objection
2 to that, either counsel?

3 MS. SPIROS: No.

4 MR. ANDERSON: No.

5 THE COURT: Okay. And it was a Bengali
6 interpreter, right? It's Bengali?

7 MS. KAZAROSIAN: Bengali, yes.

8 THE COURT: Okay. So I think we can get
9 covered that way, that way they know exactly
10 what's going on, and they won't be left out of --
11 of this process, okay?

12 MS. KAZAROSIAN: Thank you, your Honor.

13 THE COURT: And any -- counsel have
14 anything else they want to address?

15 MS. SPIROS: Just a couple of brief
16 things, your Honor.

17 THE COURT: Yes.

18 MS. SPIROS: We had talked about a view.

19 THE COURT: Yes.

20 MS. SPIROS: We propose doing that the
21 21st of March in the morning.

22 THE COURT: Okay. The 21st in the
23 morning?

24 MS. SPIROS: That way we have some
25 testimony done before we go there.

1 THE COURT: Yes.

2 MS. SPIROS: So I can coordinate that.

3 THE COURT: Sure.

4 MS. SPIROS: And you can let me know what
5 you want in terms of -- and I can coordinate with
6 the clerk, as well, I mean --

7 THE COURT: Okay.

8 MS. SPIROS: -- the State Police will
9 give us an escort and --

10 THE COURT: The State Police.

11 And we should notify the local PD, as
12 well, just so they know.

13 MS. SPIROS: Yeah. We will do that, as
14 well.

15 THE COURT: And I've -- I've spoken to
16 the chief court officer here, and I am going to
17 talk to Kevin Kachuk (phonetic), who is in charge
18 of all the court officers, just so that --
19 because the place we have having this in is a
20 juvenile court really, and I don't want to use
21 their court officer -- you know, all their court
22 officers.

23 I don't think we are going to have an
24 issue; but I think, you know, having additional
25 court officers, given they have their own work to

1 do, just to get a couple of different -- extra
2 court officers present just so we'll have them
3 there. All right.

4 And they can also assist in the view as
5 well.

6 MS. SPIROS: Great.

7 THE COURT: And, as it relates to the
8 view, Attorney Spiros, from what I've looked at
9 so far and it's -- and this is fluid -- the most
10 important aspect of the view, I'd say, would be
11 the backyard to Chestnut Street, right?

12 MS. SPIROS: Yes.

13 And that witness is represented by an
14 attorney, so I've been communicating with him.

15 THE COURT: Okay.

16 MS. SPIROS: Ms. Susan Freireich.

17 And she -- I don't anticipate that will
18 be an issue. She's been cooperative.

19 THE COURT: All right. Is that the owner
20 of the building or the individual who took the
21 video from the adjacent building?

22 MS. SPIROS: Um, you know what, she is a
23 tenant there.

24 THE COURT: Okay.

25 MS. SPIROS: I am more in touch with the

1 landlord, as well.

2 THE COURT: Okay.

3 MS. SPIROS: So I am sure that they are
4 aware, and I don't think it's a problem.

5 THE COURT: All right. All right.

6 Thank you, counsel.

7 MS. SPIROS: Uh-hum.

8 THE COURT: All right. And anything
9 else, Attorney Spiros?

10 MS. SPIROS: I just wanted to let you
11 know that I have been diligently and
12 periodically, along with ADA Evans, checking on
13 the time estimations on the ME report and the
14 toxicology report.

15 THE COURT: Yes.

16 MS. SPIROS: And, as of last check
17 yesterday afternoon, neither were complete,
18 although, I'm told that the toxicology is much
19 closer --

20 THE COURT: Yeah.

21 MS. SPIROS: -- than the ME's report.

22 THE COURT: Yeah.

23 MS. SPIROS: I also did want to let the
24 Court know and counsel know that -- to expect
25 probably one additional round of discovery.

1 The transcripts of the officer interviews
2 went out along with a few other things in the
3 second notice.

4 I do anticipate one more round related to
5 training materials for Officer McMahon and
6 Officer Colbert.

7 THE COURT: Okay. All right. And so we
8 have discovery -- notice of discovery 1, notice
9 of discovery 2.

10 And, once we begin, I am going to have
11 discovery 1 entered as Exhibit 1, discovery 2
12 entered as Exhibit 2, and, obviously, the next
13 one is 3, just so that they become part of the
14 permanent record.

15 And, unless I'm mistaken, the actual hard
16 copies -- I am the only one with -- that -- I am
17 the one with the actual hard copies, right?

18 MS. SPIROS: That's right.

19 THE COURT: All right.

20 So I'll take very, very, good care of
21 those until we get those entered into as an
22 exhibit, okay?

23 MS. SPIROS: Great.

24 THE COURT: And anything else, Attorney
25 Spiros?

1 MS. SPIROS: None, your Honor.

2 THE COURT: All right. Attorney
3 Anderson, anything from you?

4 MR. ANDERSON: Yes, Judge, because I have
5 to ask Carrie -- the one thing I had inquired
6 about was the 911 call and the radio dispatch
7 stuff.

8 Is that in the -- two, or is that coming
9 out or...

10 MS. SPIROS: It's in notice 2. It was
11 uploaded to the ShareFile.

12 MR. ANDERSON: Okay. I just haven't
13 looked at it yet. Okay.

14 MS. SPIROS: It's lengthy. It's about an
15 hour and 15 minutes, I believe.

16 MR. ANDERSON: Okay.

17 THE COURT: And, Attorney Kazarosian,
18 anything from your point of view?

19 MS. KAZAROSIAN: Yeah, just because I
20 just got -- I just finally was able to download
21 the discovery and -- and look at a couple of
22 things and wondering if -- the videos don't have
23 times or dates on them other than the -- is that
24 going to be something that will be provided when
25 the -- when it was taken, like...

1 MS. SPIROS: I think, um, I can try to
2 answer that question in terms of -- I think once
3 you look through all the police reports it will
4 be clear that certain video matches up with
5 general time frames.

6 But unless the actual video has a
7 timestamp on it, there is nothing else that we
8 have.

9 MS. KAZAROSIAN: Yeah. I don't think
10 they -- I didn't see any other than the length of
11 the video. Okay.

12 MS. SPIROS: Some of them are cell phone
13 videos, but -- but it's certainly once you've
14 read through the police reports, if I can be of
15 assistance, just let me know.

16 MS. KAZAROSIAN: Appreciate it.

17 Thank you.

18 MS. SPIROS: Uh-hum.

19 THE COURT: All right. And just -- and
20 just so everybody else knows, Attorney Nick
21 Brandt from the administrative office is
22 assisting me in the inquest.

23 And Attorney Evans, have you done what
24 you said you'd do?

25 Attorney Brandt --

1 MS. EVANS: Yes --

2 THE COURT: Yes, okay. All right.

3 MS. EVANS: Yeah, so it was a little
4 complicated but we figured -- Nick and I figured
5 it out yesterday and it's all set.

6 THE COURT: All right. All right. Thank
7 you.

8 And -- and Clerk-Magistrate Casey,
9 anything we have to discuss?

10 THE CLERK: No. I think we're good.

11 THE COURT: Oh, you are muted.

12 THE CLERK: Can you hear me?

13 THE COURT: Yep, we can hear you.

14 MS. SPIROS: I can, yes.

15 THE CLERK: Yeah, no, I'm all -- I'm all
16 set.

17 THE COURT: Okay. All right.

18 So I don't know if we need to have
19 another Zoom video other than just to say I'll
20 see everybody at nine o'clock on March 20th over
21 at the juvenile court.

22 It will be in courtroom, I believe -- is
23 that 6?

24 THE CLERK: It is. Six.

25 THE COURT: Six.

1 It's the courtroom as you go up the
2 staircase in the left-hand front corner of the
3 building. Okay.

4 MS. SPIROS: Great. Thank you.

5 THE COURT: All right. And -- and just
6 on the off-chance anything does come up, don't be
7 afraid to reach out.

8 We can always schedule an -- if an
9 issue becomes available, I'd rather do it before
10 the -- nine o'clock on the 20th, okay, because
11 Attorney Evans knows what I'm like.

12 I'm nine o'clock and I go. All right.

13 MS. SPIROS: Understood.

14 THE COURT: All right. Okay. And if --
15 and once you kind of pare down the -- that
16 witness list and as to days, just make sure of --
17 of, obviously, their availability.

18 I think that will go a long way towards
19 -- towards planning this and getting us to --
20 like I said, once we finish with the evidence,
21 if I feel I need to wait around, if the ME's
22 report, I can do that.

23 And then, if I get that, and we need
24 to reconvene, we can always do that, as well,
25 okay.

1 But I just don't want to wait -- you
2 know, once I got my teeth into it, I want to get
3 going, okay?

4 MS. SPIROS: Thank you, your Honor.

5 MS. KAZAROSIAN: One last question. I
6 know this is a horrible thought.

7 But what if we do go longer than three
8 days, will we have a Bengali interpreter or
9 should I just make sure someone's there or they
10 are available.

11 THE COURT: Um, I'm going to ask for five
12 days, just so you know. Okay.

13 MS. KAZAROSIAN: All right.

14 THE COURT: All right. Because it's --
15 it's easier to say --

16 MS. KAZAROSIAN: You don't need -- we
17 don't need you.

18 THE CLERK: Yeah, right.

19 THE COURT: I don't need you, than it is
20 to say, Hey, I need you, especially when I think
21 there might be only one in the state.

22 So we are going to be -- we are going to
23 be utilizing that person, you know, sort of
24 monopolizing that person for at least three days,
25 if not four.

1 But at least if I put in the five-day
2 request, I was assured that they'd -- they'd mark
3 us off for that -- for those five days. Okay?

4 MS. KAZAROSIAN: Okay. Sounds good.
5 Thank you.

6 MS. SPIROS: Thank you.

7 MR. ANDERSON: Thank you.

8 MS. SPIROS: Have a good day.

9 THE COURT: Anything else?

10 All right. Thank you, all.

11 Have a good afternoon; good weekend.

12 THE CLERK: Thank you, everyone.

13 MR. ANDERSON: Thank you, Judge.

14 MS. SPIROS: Thanks, everyone.

15 (3:20 p.m. court in recess.)

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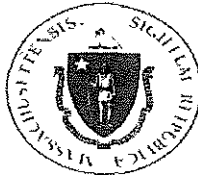
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