

1 first window to the second window?

2 A. The distance of my kitchen. I don't know. I
3 have no idea.

4 Q. Okay. And then when you got there you looked
5 out and you saw what was going on in the backyard
6 at that point?

7 A. Yes. They -- they had stopped.

8 Q. But you never saw a book in his hands?

9 A. I saw nothing in his hands at any time.

10 MR. ANDERSON: Okay. I have -- I have
11 nothing further.

12 THE COURT: Okay. Counsel, anything?

13 MS. KAZAROSIAN: Thank you, your Honor.

14 EXAMINATION

15 BY MS. KAZAROSIAN:

16 Q. Good morning, Mrs. Freireich.

17 A. Good morning.

18 Q. I think we spoke -- if you recall, I'm Marsha
19 Kazarosian, and I represent the family of
20 Mr. Faisal, who is the young man who you saw that
21 day.

22 A. Yes, I know who he is now.

23 MS. KAZAROSIAN: Your Honor, could I just
24 approach with one of the exhibits?

25 THE COURT: Oh, sure.

1 BY MS. KAZAROSIAN:

2 Q. Mrs. Freireich, I'm going to show you
3 Exhibit 15, which is the four photos of your
4 backyard.

5 A. Um-hum.

6 Q. And it appears to be the vantage point from
7 your fire escape.

8 A. Right.

9 Q. Can you --

10 A. I'm sorry. Let me look at them. Yeah.

11 Q. Now, when you -- when you were looking out
12 the backyard, did you see the young man running
13 into the backyard or was he already in the
14 backyard?

15 A. I think he was already there when I --
16 because I was running along with him, you know,
17 you know, on the second floor to get to a place
18 where I could see.

19 Q. So the last time you had seen him, he was in
20 the driveway, and then you went to the next
21 window, and he was in your backyard; is that fair
22 to say?

23 A. Yes.

24 Q. I am just going to show you another photo.

25 Can you give the -- point to approximately

1 -- I don't know how to do with without the
2 overhead. -- but approximately where you then
3 saw the young man for the first time in the
4 backyard?

5 A. Yeah.

6 Well, it's hard to -- I don't know if you
7 can --

8 Q. It might be in another photo -- if you have a
9 better advantage, there's four photos there, you
10 can point to a section and then I'll show it to
11 you.

12 A. Okay. Now your -- what was the question
13 about where they were?

14 Q. Where did you see the young man when you
15 first then went to the window and saw him in the
16 backyard?

17 A. Ah, okay. That's a good one.

18 Q. So you are looking at number -- at the fourth
19 one, which I think is the number on top of 6604
20 of Exhibit 15, that you saw earlier.

21 A. So where were they standing?

22 Q. Where did you see the young man when you then
23 came to this -- the window to see in the
24 backyard?

25 A. I remember -- I remember it was kind of even

1 with the tree. So it was right there.

2 Q. So you are pointing just to the right of that
3 green sort of --

4 A. Yes.

5 Q. -- stretcher or backboard?

6 A. Right.

7 Q. And it's sort of parallel to that; to the
8 right a little bit?

9 A. I'm not sure what you mean by "parallel to
10 that; to the right a little bit."

11 Q. Well, yeah, I know, that's a good one.

12 You pointed just to the right?

13 A. Yes. Like to the middle -- like the middle
14 between -- this doesn't show it very well, but
15 there's, you know, some plantings.

16 Q. There's the bushes to the left, right?

17 A. Yeah. Yeah, between the -- the big maple
18 tree and there.

19 I mean, I think it's right here.

20 Q. Right in the middle.

21 So you are pointing to an area between the
22 double may pal tree there --

23 A. Yes.

24 Q. -- and where that green stretcher is?

25 A. Yes, but closer to the stretcher.

1 Q. Closer to the stretcher.

2 A. Yeah. The stretcher.

3 MS. KAZAROSIAN: Do you want to see where
4 she's pointing or...

5 BY MS. KAZAROSIAN:

6 Q. Okay. Now, you had said that when you saw
7 him he was turned and facing the officers who had
8 been chasing him; is that correct?

9 A. Yeah, they were stopped. It was like a --
10 yeah.

11 Q. When you say "they were stopped," then I am
12 going back to this...

13 A. The two officers chasing him and him they
14 were stopped.

15 Q. So they were stopped in the backyard; the
16 officers had come in from the driveway; they were
17 facing Mr. Faisal who is the young man; and the
18 young man was facing them?

19 A. That's correct.

20 Q. So his back was to the fences in the back of
21 the yard?

22 A. That's right.

23 Q. And you said you heard the shots quickly but
24 didn't see who shot, but you were wondering if it
25 came from more than one gun, correct?

1 A. Well, the five shots were really fast. It
2 was da, da, da, da, da, like that.

3 And I -- you know, I didn't -- I couldn't
4 see the shooter. I mean, I couldn't see that the
5 shooter was shooting.

6 Q. But did you -- and then did you see the young
7 man go down even though you didn't see who shot
8 the shots?

9 A. Yes.

10 Q. And do you know how quickly he went down
11 after the first shot, or was it just the shots
12 and then he went down?

13 A. The shots were very fast, so I have no idea
14 what happened between the first and second shot,
15 you know.

16 Q. Fair enough.

17 From the period of time where you first
18 saw the officers chasing the young man in the
19 driver when you looked out the window -- the
20 first window in the series of the three
21 windows -- to the time he was in the backyard and
22 the shots rang out, do you have any estimation of
23 how many seconds that all took?

24 A. I have no idea. I'm sorry.

25 Q. Was it a minute or was it --

1 A. It was definitely not a minute.

2 Q. -- less than?

3 Was it --

4 A. Less than a minute.

5 Q. So was it less than 30 seconds, do you know?

6 A. It -- it seems to me that it was, but I don't
7 know for sure.

8 Q. Okay. All right. That window that you were
9 looking out from the door that looks out over the
10 fire escape, the photos show it at night but it's
11 usually not that dark.

12 You can -- can you see clearly through
13 there to the backyard?

14 A. Oh, completely. And it's...

15 MS. KAZAROSIAN: I have no further
16 questions.

17 THE WITNESS: I'm sorry -- oh, forget it.

18 THE COURT: All right. Thank you, ma'am.

19 Thank you, Attorney Murphy.

20 THE WITNESS: Oh, thank you.

21 THE COURT: Thank you very much.

22 THE WITNESS: Yes. Thank you.

23 (Witness excused.)

24 THE COURT: All right. I think we have a
25 request for a break.

1 MS. SPIROS: A ten-minute break?

2 Thank you.

3 UNIDENTIFIED SPEAKER: (Inaudible.)

4 MS. SPIROS: Yes, Aimee Landry.

5 THE COURT OFFICER: Court's in recess.

6 All rise.

7 (11:42 a.m. court in recess.)

8 (11:54 a.m. court resumes.)

9 THE COURT OFFICER: All rise.

10 THE CLERK: Back on the record, your
11 Honor.

12 THE COURT: All right. Thank you.

13 THE COURT OFFICER: You may be seated.
14 Court's back in session.

15 THE COURT: Well, Attorney Spiros, before
16 you call your next witness, just a -- just to try
17 to help keep move this along --

18 MS. SPIROS: Um-hum.

19 THE COURT: -- a lot of the stuff I've
20 heard today it's good -- it's good. That's good,
21 helpful for me.

22 And I know we've (indiscernible) some of
23 the mental health components and the training.

24 I don't want to have to repeat that
25 testimony with every other officer that comes

1 before us because I think we -- I have an idea of
2 what it is.

3 And all -- all the training materials,
4 apparently, are in the discovery notices.

5 So what's helpful to me is what happened
6 that day --

7 MS. SPIROS: Understood.

8 THE COURT: -- you know, the actions or
9 the -- of the -- of all the officers involved, as
10 well as the actions of the decedent.

11 MS. SPIROS: Understood.

12 THE COURT: So those are the -- the main
13 points that I think are important for my
14 (indiscernible).

15 And, but again, all the facts would come
16 out, but -- I want to hear all of them.

17 MS. SPIROS: Um-hum.

18 THE COURT: But those are the things I
19 think we want to focus on. Okay?

20 MS. SPIROS: Understood. Your Honor --

21 THE COURT: All right.

22 MS. SPIROS: -- may I just inquire just
23 briefly on that point?

24 THE COURT: Sure.

25 MS. SPIROS: Should I skip the -- if it's

1 similar in nature to what you've already heard
2 just skip it entirely and you will assume that
3 they've had the training?

4 THE COURT: You can ask them if you've
5 had the training --

6 MS. SPIROS: Okay. I'll do that.

7 THE COURT: -- just in terms of that
8 record but I don't think we have to go into --
9 into all of it again.

10 MS. SPIROS: Understood.

11 THE COURT: And this isn't just toward
12 you, Attorney Spiros.

13 MS. SPIROS: Yes. Understood.

14 THE COURT: This is towards Attorney
15 Anderson and towards Attorney Kazarosian, as
16 well. Just because I think it's not helpful to
17 me. Okay.

18 MS. SPIROS: Thank you.

19 THE COURT: All right. Thank you.

20 MS. SPIROS: Aimee Landry is the next
21 witness.

22 THE COURT OFFICER: Aimee Landry.

23 Follow me. Just watch your step there.

24 All right. She is going to swear you in.

25 THE WITNESS: Okay. Thank you.

1 THE CLERK: If you can raise your right
2 hand.

3 Do you swear to tell the Court the truth,
4 the whole truth, and nothing but the truth under
5 the pains and penalties of perjury?

6 THE WITNESS: I do.

7 THE CLERK: Thank you very much.

8 THE COURT: All right.

9 AIMEE LANDRY, SWORN

10 THE COURT: All right. Good morning,
11 ma'am.

12 THE WITNESS: Good morning.

13 THE COURT: And Ms. Landry, just so -- I
14 am not telling you anything I haven't told any of
15 the other witnesses, but please keep in mind
16 there is a sequestration order. And I'll explain
17 to you what that is.

18 This is a closed hearing. It's not a
19 public hearing. It's -- for the next several
20 days it's going to be closed and it probably
21 won't become -- become public for, you know,
22 several more days, if not weeks after that.

23 So but during the course of up until this
24 becomes a public -- until this hearing becomes
25 public, I'm just going to ask you not to discuss

1 this case with anyone --

2 THE WITNESS: Um-hum.

3 THE COURT: -- until that -- because --
4 due to the nature of the proceedings, okay?

5 THE WITNESS: Okay.

6 THE COURT: All right. Thank you, ma'am.
7 Attorney Spiros.

8 MS. SPIROS: Thank you.

9 EXAMINATION

10 BY MS. SPIROS:

11 Q. Good morning, ma'am.

12 A. Good morning.

13 Q. Could you introduce yourself to the Court
14 spelling both your first and last name for the
15 record.

16 A. My name is Aimee Landry, it's A-I-M-E-E and
17 the last name is Landry, L-A-N-D-R-Y.

18 Q. How old are you?

19 A. Forty-four.

20 Q. What's your date of birth?

21 A. August 25, 1978.

22 Q. What community do you live in?

23 A. North Andover.

24 Q. Do you work in the Cambridge area?

25 A. Yes.

1 Q. And what is it -- what is it that you do?

2 A. I am an immunologist at a biotech startup.

3 Q. And is that company located in Cambridge?

4 A. Yes, we are at 640 Memorial Drive.

5 Q. Okay. I want to draw your attention now to
6 January 4, 2023, of this year.

7 Were you driving through Cambridge on that
8 date and noticed something?

9 A. Yes.

10 I was leaving our new lab space at
11 640 Memorial Drive and going towards Inman Square
12 to run some errands.

13 Q. And you were in your car at the time?

14 A. Yes.

15 Q. Were you alone or with anyone else?

16 A. Alone.

17 Q. And can you tell us what caught your
18 attention?

19 A. I was driving down Waverly, and a young man
20 stepped in front of my vehicle in the middle of
21 the road.

22 Q. And what did you do?

23 A. I stopped. And at first I thought, you know,
24 since I was close to the MIT campus, I thought he
25 was a student and it was some sort of theatrical

1 thing.

2 And then I noticed there were some police
3 officers nearby, so I stayed in place and let
4 them handle it.

5 Q. Can you tell the court what you observed
6 about both the individual who was in front of
7 your car and the police officers?

8 A. He was young, dark hair. He was only wearing
9 gray sweatpants. He had no shirt on.

10 There was blood on his chest, and he
11 was holding a large knife to his own throat, and
12 he was backing away from the street that he came
13 on.

14 And then I noticed a police officer who
15 was walking through an empty parking lot that's
16 right off of Waverly, and it looked like he was
17 trying to talk to this man and trying to calm him
18 down.

19 And then there was another police officer
20 who pulled up his SUV and blocked the road. And
21 he got out of his vehicle and was walking towards
22 the other officer at that time.

23 Q. Let me back you up for a moment, if I could,
24 and ask you some questions about the individual
25 that you saw.

1 You said that he had no shirt?

2 A. Correct.

3 Q. And he was holding the knife to his throat?

4 A. Yes.

5 Q. What could you observe about the style of the
6 knife or the length, anything specific about
7 that?

8 A. It was very long and slender. I'd say maybe
9 about a foot long.

10 Q. Okay. And what was the position of the knife
11 when you observed it?

12 A. He held it up in his hand, and he had the
13 blade pointing to underneath his throat.

14 Q. And you're -- just because we're making an
15 oral record, you just raised your right hand and
16 you put it up kind of by your shoulder area; is
17 that right?

18 A. Yes.

19 So he was walking backwards, and he held
20 it up, and then the knife was pressing up against
21 his throat.

22 Q. Could you tell if the knife remained in that
23 position or moved?

24 A. I think it stayed in that position the whole
25 time.

1 Q. Do you know, if you do, about how long you
2 were able to observe the entire situation unfold?

3 A. Minutes.

4 Q. Minutes?

5 A. As soon as the police officers looked like
6 they were clear of my vehicle, I was able to
7 drive away.

8 That second police officer had blocked off
9 the road, but he left enough space for my vehicle
10 to get away.

11 Q. And, in terms of the police officer, I think
12 you said there was a police officer who was
13 trying to speak with him and calm him.

14 What else could -- could you tell us about
15 that?

16 Could you hear what was being said?

17 A. I couldn't hear because it was January, and
18 the windows of the car was up.

19 But the officer was, you know, very calm,
20 and you could tell he was trying to, you know,
21 engage with this individual.

22 Q. You could tell by his body language; is that
23 right?

24 A. Yes. Sorry.

25 Q. That's okay, only because we are making an

1 oral record.

2 And you said the second officer came up
3 and parked the SUV in -- to block the road?

4 A. Yeah.

5 So he left -- I believe it was the police
6 officer's SUV, and he was able to leave, you
7 know, a bit of space in the road so my vehicle
8 could get around it.

9 But he had parked, and then he got out of
10 the vehicle and he was walking towards the first
11 officer that I saw.

12 Q. About how far was this individual with the
13 knife in front of your car or near to your car,
14 if you know?

15 A. Four or five feet. Very close.

16 Q. Can you describe, if you can, in terms of the
17 police officers's demeanor, were they yelling at
18 him --

19 A. No.

20 Q. -- in any way.

21 A. No. I didn't see any yelling. They had
22 their -- I don't remember seeing any weapons.

23 I saw their hands close to their waist,
24 but they were -- occasionally, I would see hand
25 gestures. I think they were talking to him.

1 Q. What could you observe about the demeanor of
2 the individual with the knife in terms of what
3 his face looked like or how he appeared to you?

4 A. He looked wild-eyed and frantic.

5 Q. Did you say "wild-eyed"?

6 A. Wild-eyed and frantic. His eyes were huge.
7 You could see the white all around them.

8 And he was just walking backwards.

9 Q. What about his mouth or his face, did they
10 make any movements that you observed?

11 A. He had a grimace on his face. Like, his
12 teeth were bared.

13 Q. His teeth were bared.

14 Did you have any concerns at that point
15 for your safety?

16 A. If I hadn't been in my vehicle, I think it
17 would have been different; but there were police
18 officers nearby, and I figured they were the best
19 ones to handle the situation.

20 Q. And after the police officers and the
21 individual passed by you, did you leave the area?

22 A. Yes.

23 Q. Did you reach out later to contact the
24 Cambridge Police?

25 A. I think that that evening I had gotten home,

1 and I was telling a friend of mine what I had
2 seen and I found an article on The Boston Globe
3 saying that, you know, he had unfortunately
4 passed away. And at the very end of the article
5 there was a line that said, you know, if you had
6 seen this, police report, please contact the
7 Cambridge Police Department. And that's what I
8 did.

9 Q. And how did you do that?

10 A. I think it was through Facebook Messenger.

11 Q. And then, after that, did -- later in January
12 did -- were you interviewed by a police officer?

13 A. Yes, I think I got a phone call the next day
14 and then a few days later they had asked me to go
15 down to the Cambridge Police Department to make a
16 statement there.

17 Q. And that was a recorded interview?

18 A. Yes.

19 Q. Okay. And did you go down there voluntarily
20 and agree to do the interview?

21 A. Yes.

22 MS. SPIROS: I have no further questions
23 for this witness.

24 Your Honor, for the record, her material
25 is Discovery No. 6.

1 THE COURT: Okay. All right. Thank you,
2 Attorney Spiros.

3 And Attorney Anderson, any questions?

4 MR. ANDERSON: Just a couple quick
5 questions for you, Ms. Landry.

6 EXAMINATION

7 BY MR. ANDERSON:

8 Q. My name is Kenny Anderson. I represent Liam
9 McMahon, who is one of the Cambridge Police
10 Officers involved.

11 You are familiar with this area?

12 Your office is down in that area?

13 A. We just moved to that office the day before,
14 so I know a little bit about the area, but I
15 wouldn't claim to be super familiar.

16 Q. Okay. But you are aware that Waverly is a
17 one-way street?

18 A. Yes.

19 Q. And, as you were in that area, to your
20 left-hand side would have been a residential
21 neighborhood?

22 A. Yes.

23 Q. And to the right-hand side would have been
24 train tracks and kind of --

25 A. Parking lots and...

1 Q. -- commercial, construction zone almost?

2 A. Um-hum.

3 Q. And just because there is going to be
4 testimony that this individual went across
5 Waverly one way and then came back the other way,
6 when you encountered him, was he coming from your
7 driver's side across to the passenger's side or
8 from the passenger's side across to the driver's
9 side?

10 A. The passengers's side to the driver's side.

11 He was coming from an empty parking lot,
12 crossed the street in front of my vehicle, and
13 then was going towards, um, I think it's called,
14 like, Neon bi -- like, Neon, it's a biotech
15 company. So it's --

16 Q. Okay. But he was coming from the
17 construction railroad area --

18 A. Yes.

19 Q. -- back to the residential area?

20 A. Yes.

21 MR. ANDERSON: I don't have anything
22 further.

23 THE COURT: All right. Thank you.
24 Attorney Kazarosian.

25 MS. KAZAROSIAN: Thank you, your Honor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXAMINATION

BY MS. KAZAROSIAN:

Q. Good afternoon, Ms. Landry.

My name is Marsha Kazarosian, and I represent the family of the young man that you saw.

Now, you had said that you saw him come in the middle of the street?

A. Yes.

Q. That was when you first saw him.

Did you -- when did you see the police officers?

A. Um, very quickly after that.

So he just walked in front of my vehicle and, thankfully, it's not a very high speed area, so I stopped and -- you know, it took me a second, like, why did he just cross in front of my vehicle?

And then out of the corner of my right eye I saw a police officer following him, like, a little distance behind.

Q. And were the police officers walking pretty briskly or running or just walking?

A. They were very deliberate in their movements. I think they were walking a little slower than I

1 would expect, but I think they were trying to
2 talk to him and trying not to scare him in the
3 process.

4 Q. And you said he looked wild-eyed and frantic.

5 Did -- did it appear to you that he looked
6 frightened or scared?

7 A. I -- it could be, but it was -- it happened
8 so quickly.

9 You know, he definitely looked like he
10 was making decisions, and it wasn't the police
11 officers who were directing him.

12 He was moving away from them on his own
13 accord.

14 Q. So he was trying to get away from the police
15 officers, is that what you understood or what you
16 observed?

17 A. I think he was moving away, but I wouldn't be
18 able to say that.

19 Q. At any point in time did he attempt to come
20 at you in your car?

21 A. No.

22 Q. Did he wield a knife toward you at any point
23 in time?

24 A. No.

25 Q. Did you see him wielding the knife or

1 threatening any of the police officers when they
2 were talking to him?

3 A. No.

4 MS. KAZAROSIAN: I have no further
5 questions.

6 THE COURT: All right. Thank you.

7 All right. Thank you, Ms. Landry.

8 THE WITNESS: Bye.

9 (Witness excused.)

10 THE COURT: Attorney Spiros.

11 MS. SPIROS: Officer Brian Pugliares,
12 please.

13 THE COURT OFFICER: Pugliares?

14 MS. SPIROS: Pugliares.

15 THE COURT OFFICER: Office Pugliares.

16 Just watch your step.

17 Stand right here to be sworn.

18 THE CLERK: Officer, if you could raise
19 your right hand.

20 THE WITNESS: Yes.

21 THE CLERK: Do you swear to tell the
22 Court the truth, the whole truth, and nothing but
23 the truth under the pains and penalties of
24 perjury?

25 THE WITNESS: I do.

1 THE CLERK: Thank you very much.

2 BRIAN PUGLIARES, SWORN

3 THE COURT: All right. Good morning,
4 Officer.

5 And, Officer, I'm sure you've been aware,
6 there is a sequestration order.

7 THE WITNESS: Yes.

8 THE COURT: And, also, because of the
9 nature of these proceedings, it's a closed
10 proceeding.

11 And I am going to ask you not to discuss
12 this case or your testimony with anybody.
13 Obviously, if you are representing by counsel,
14 you can discuss it with that person --

15 THE WITNESS: Okay.

16 THE COURT: -- but anybody else, until
17 this -- this matter becomes public, okay?

18 THE WITNESS: Yes, I will.

19 THE COURT: All right. Thank you,
20 Officer.

21 Attorney Spiros.

22 MS. SPIROS: Yes.

23 EXAMINATION

24 BY MS. SPIROS:

25 Q. Good afternoon, sir.

1 A. Good afternoon.

2 Q. Could you please introduce yourself to the
3 Court can spelling both your -- both your first
4 and your last name for the record?

5 A. Yes.

6 Brian Pugliares, B-R-I-A-N, and Pugliares
7 is P-U-G-L-I-A-R-E-S.

8 Q. And, sir, how are you employed?

9 A. Through the Cambridge Police Department.

10 Q. How long have you been with the Cambridge
11 Police Department?

12 A. Twenty years.

13 Q. And as -- as an officer?

14 A. Yes.

15 Q. And can you just briefly tell us what roles
16 you've held for the Department?

17 A. Yes.

18 Currently I work in day patrol. Other
19 roles I have, I am the firearms instructor for
20 the Department.

21 Also a less lethal instructor for the
22 Department.

23 I also work in the SRT, which is the
24 special response team.

25 Q. And just in terms of your training, I want to

1 briefly go through that. Have you received the
2 ICAT training with the rest of the Department in
3 2019?

4 A. Yes.

5 Q. Did you receive subsequent in-service
6 trainings related to the ICAT?

7 A. Yes.

8 Q. And at the academy when you attended to
9 become a police officer, did you receive training
10 in de-escalation?

11 A. Yes.

12 Q. Some question related to mental health
13 situations generally.

14 Have you received training from the City
15 of Cambridge Police Department in regards to
16 mental health?

17 A. Yes.

18 Q. The same, with the academy?

19 A. Yes.

20 Q. And, in terms of your -- your specialized
21 roles, I believe you just told the Court that you
22 are an instructor for the less lethal; is that
23 right?

24 A. Yes.

25 Q. Can you just describe a little bit what your

1 role is as an instructor for less lethal?

2 A. Yes.

3 My role is -- deals with the 40mm
4 launcher.

5 So basically what we do is once a year
6 we'll bring the Department into the station;
7 we'll give them their training that's required
8 for that munition, and then we'll send them on
9 their way after that.

10 Q. What is the less lethal?

11 A. It's a -- it is a 40mm launcher. It shoots
12 one soft round at a time, and it's used to deal
13 with situations where you need distance because
14 an individual may be -- may be harmful with a
15 knife or things like that.

16 Q. And is -- excuse me.

17 In terms of the -- the training itself,
18 have you trained any of the officers in this
19 case?

20 A. I probably have. Um-hum.

21 Q. In terms of the less lethal, as well, are
22 there any other options the Department has for
23 other similar devices, say on the duty belt
24 available to officers in Cambridge?

25 A. Yes, there were. Yes.

1 Q. Can you describe those?

2 A. One is a PR24. It's a baton-style that
3 you -- it's on the side.

4 Also, another one is OC spray, which is
5 basically, like, a pepper spray.

6 Q. The OC spray and the baton, are those meant
7 for encounters that involve bladed weapons?

8 A. No.

9 Q. Why not?

10 A. Because with a bladed weapon you want to have
11 distance. And the PR24, we have that, that's
12 close proximity.

13 And the OC spray, you need close proximity
14 with that, as well.

15 Q. And the less lethal, I believe you indicated
16 that's the one where you need more distance
17 between yourself and a subject; is that right?

18 A. Yes.

19 Q. I want to talk and ask you a little bit about
20 the date of January 4th of 2023.

21 Were you working on that day?

22 A. Yes, it was.

23 Q. In what capacity were you working?

24 A. I was working Car 1 with Officer Colbert.

25 Q. And was -- is that a patrol car?

1 A. Yes, it is.

2 Q. What area were you responsible for that day?

3 A. East Cambridge.

4 Q. And what -- what's in East Cambridge?

5 A. So, if I'm correct, it's basically Broadway
6 up towards this area and the mall.

7 Q. And did you at some point hear a call that
8 caught your attention?

9 A. Yes.

10 Q. Were you specifically dispatched to the call,
11 or did you go to assist?

12 A. No. It wasn't our call, we went to assist.

13 Q. Okay. What do you remember about the nature
14 of the call?

15 A. The call came in for an individual who had a
16 knife; had jumped out of a window and was on the
17 side of a building trying to cut his wrists.

18 Q. And so that was -- was that the extent of the
19 information you had before you got there?

20 A. That -- yes.

21 Q. And, as a result of learning this
22 information, where did you go?

23 A. We decided -- Officer Colbert and I decided
24 that we would go to the location because of the
25 severity of the call to assist.

1 Q. And so did -- did you go straight there?

2 A. Yes.

3 Q. What happened when you got there?

4 A. So I was driving.

5 And when we got there, um --

6 Q. Take your time.

7 A. -- see the -- an individual on the side of
8 the building, left side of the building.

9 He was just sitting there, and he was
10 cutting his wrists.

11 So we got -- we got out of the cruiser. I
12 put it in park; leave it in the street. We got
13 out of the cruiser.

14 He is alerted to our presence, and then we
15 see him run to the back of the building.

16 Q. Let me pause you there for a second.

17 A. Um-hum.

18 Q. When you got out of the cruiser and you first
19 saw him, about how far away was he?

20 A. I was in the street and I think at the
21 sidewalk and the building, I'd say he was half
22 way on the building from the sidewalk to the
23 back.

24 Q. When you saw him, did you recognize him?

25 A. I -- yes. Um-hum.

1 I had never seen him before but...

2 Q. But you -- so you didn't know his name --

3 A. No.

4 Q. -- or you had not interacted with him --

5 A. No.

6 Q. -- prior to that date?

7 A. No.

8 Q. Okay. Could you describe any further
9 about -- you described his actions -- about what
10 he was wearing, holding, anything like that?

11 A. Yeah. He -- he didn't have his shirt on and
12 he had gray sweatpants, and he had dark hair and
13 he was just kind of -- he was sitting there
14 cutting his wrists.

15 Q. When you say he was alerted to your presence,
16 what makes you say that?

17 A. Um, because when we got there and got out of
18 the car, I don't remember if he looked at us or
19 what, but he just got up and immediately ran --
20 ran to the back of the building.

21 Q. Had you verbally said anything at that point
22 in time?

23 A. Not at that point, no.

24 Q. Okay. And so, as you are looking down into
25 this area, 625 Putnam, that's -- that's an

1 apartment building or condos?

2 A. Yes. Um-hum.

3 Q. Is that an area you are familiar with?

4 A. Yes.

5 Q. Okay. So did you go towards the area where
6 he was seated?

7 A. Yes. Once we saw him run, we -- we ran
8 behind the building on the right side.

9 Q. Okay. And the right side, what does that
10 lead down to?

11 A. To the back of the yard.

12 There's, like, a courtyard back there
13 behind the building.

14 MS. SPIROS: I am just going to ask to
15 approach the witness.

16 BY MS. SPIROS:

17 Q. I am going to show you some photos, okay.

18 Do you recognize this one?

19 A. Yes. Um-hum.

20 Q. What's this area?

21 A. That would be the left side of the building
22 if you are looking at it from the street.

23 Q. Is that the area where you saw the individual
24 seated?

25 A. Yes, it would be. Yep. Um-hum.

1 Q. And that's where you can see sort of the --
2 the blood pools?

3 A. Yep.

4 MS. SPIROS: I'd offer this as the next
5 exhibit.

6 THE COURT: All right. That will be
7 Exhibit No. 22.

8 (Exhibit No. 22, Photographs, received
9 into evidence.)

10 BY MS. SPIROS:

11 Q. I am going to show you another set of two
12 photographs.

13 Can you just describe that side area to
14 the right of the building?

15 Is that the side area?

16 A. Yes. That's the right side of the building.
17 Um-hum.

18 Q. Is that where you went -- is that where the
19 individual went when you followed?

20 A. That's where Officer Colbert and I went.

21 Q. And the --

22 A. Yeah. The individual's on the other side.
23 He was on the other path, so... I don't know if
24 that makes sense.

25 MS. SPIROS: All right. I offer this as

1 the next exhibit.

2 THE COURT: All right. That will be No.
3 23.

4 (Exhibit No. 23, Two photographs,
5 received into evidence.)

6 BY MS. SPIROS:

7 Q. Sir, two more photographs, if I can.

8 Are you familiar with what's depicted in
9 these two photographs?

10 A. Yes. That's the rear of the building.

11 Q. Okay. And this is sort of a courtyard area,
12 right?

13 A. Yes. Um-hum.

14 Q. And in the second photograph here, is there
15 also a little alleyway to the right of the
16 building that leads back out to Chestnut?

17 A. Yes, it is.

18 Q. I'm sorry, back -- back out to Putnam?

19 A. Yes. Um-hum.

20 Q. Thank you.

21 MS. SPIROS: I'd offer these as the next
22 exhibit.

23 THE COURT: All right.

24 MS. SPIROS: Two --

25 THE COURT: All right. Twenty-four,

1 two pages, 24.

2 (Exhibit No. 24, Two photographs,
3 received into evidence.)

4 BY MS. SPIROS:

5 Q. Sir, after the individual, um, was alerted to
6 your presence, what did you see or do next?

7 A. When he saw us, he ran to the back. We
8 followed -- we followed him on the back to the
9 right. We saw him in the backyard.

10 He saw us coming into the backyard towards
11 him, and then he ran in that alleyway out towards
12 Putnam Ave. And so we followed him.

13 Q. And when you followed, was -- at that point
14 in this short time that you've now been there,
15 was anyone saying anything to him?

16 A. Just telling him to stop running. You know,
17 we had help. Drop the knife. That sort of
18 thing.

19 Q. And so, to be clear, was he holding the knife
20 still?

21 A. Um-hum. Yes. Yep.

22 Q. And when he came around that alleyway area,
23 you said you followed?

24 A. Yes.

25 Q. With Officer Colbert?

1 A. Yes.

2 Q. What happened next?

3 A. We followed him down to Putnam Ave. He was
4 doing a jog. We were behind him.

5 I got on the radio a couple times just to
6 try to get other units to help us.

7 Um, he ran down right -- to the right down
8 Putnam Ave. towards, like, an MIT parking lot.

9 Q. Um-hum.

10 A. That parking lot was open, but there was some
11 construction -- at that time there was
12 construction.

13 So we ran to the back corner of the
14 parking lot, and he squeaked through a space in
15 the fence that led out to the tracks. Colbert
16 went through the space first, and then I went
17 afterwards and then we saw him on the railroad
18 tracks.

19 Q. Were there other officers there at that
20 point?

21 A. Yeah. When we got to the railroad tracks, I
22 noticed there were a couple other officers down
23 at the other end of the railroad tracks basically
24 coming towards where we were.

25 Q. So from the point where he went through the

1 ally and then went down to the -- the railroad
2 track area, were you still trying to engage with
3 him?

4 A. Trying to, yes. Um-hum.

5 Q. When you say trying to, were you having
6 success?

7 A. Yeah, no -- no success.

8 Q. What were you saying?

9 A. Stop. Stop running.

10 Q. Okay. And was the person -- was the person
11 looking at you at all?

12 A. Um, not -- not at this point. I just kind of
13 saw the back of him while he was running.

14 When we were on the railroad tracks, first
15 I really couldn't get a good look at him.

16 Q. Take your time.

17 A. He, um -- he had a machete.

18 Q. Are you indicating that it was towards his
19 neck?

20 A. Yes...

21 Yeah, he had a machete, and he was
22 hitting -- hitting himself in the neck, cutting
23 his neck, and there was blood, you know.

24 Um, so we were standing there, telling him
25 to drop the knife, and asking him not to do that.

1 We were trying to help him.

2 He just kind of smiled. And then took off
3 and ran down the street into the neighborhood.

4 Q. And so you were continuing to try to talk to
5 him?

6 A. As much as we could, yeah.

7 Q. And you were saying you wanted to help him?

8 A. Um-hum.

9 Q. Was it clear what was happening to you at
10 that point?

11 A. I'm sorry?

12 Q. Was it clear what was happening to you at
13 this point?

14 A. (No audible response.)

15 Q. Did you know all the circumstances at that
16 point?

17 A. No. I didn't no any -- I didn't know his
18 reason for anything. I had no idea.

19 Just got there, saw him run, and then seen
20 him with the machete and he's just hacking
21 himself in the throat.

22 Q. What is your concern at this point?

23 A. Him, my fellow offices, and the people in the
24 neighborhood that he's running towards.

25 Q. What's in this neighborhood?

1 A. It's thickly settled.

2 So any regular Cambridge neighborhood,
3 you've got an apartment building on the left side
4 and a bunch of row of houses on the right.

5 Q. And so you said he took off again.

6 Where did he go?

7 A. He ran down Chestnut Street towards
8 Brookline. He was just in the middle of the
9 street doing a jog as we were following him, you
10 know, telling him to stop running; drop the
11 knife.

12 I got on the sidewalk on the left side,
13 and I thought that I could kind of run up next to
14 him and kind of like kind of wedge him in, stop
15 him from going deeper into the neighborhood.

16 Q. Why did you want to do that?

17 A. Excuse me?

18 Q. Why did you want to wedge yourself and try to
19 stop him from going deeper in the neighborhood?

20 A. Because there were -- there were people.

21 I didn't know if someone randomly came out
22 of the house walking a dog, or just on that side
23 of the street, what would happen.

24 So I personally wanted to try to get
25 this kid to stop so we could talk to him and have

1 a -- I don't know -- a better outcome, you know.

2 Q. And this whole time you are still continuing
3 to try to communicate?

4 A. Um-hum.

5 Q. But did any communication happening?

6 A. Not from -- not from him. I never heard his
7 voice once.

8 Q. What happened next?

9 A. So I'm coming up around the side of him;
10 there's a row of cars between us.

11 He just stops, so I stop. And I look at
12 him. I had my gun out, down at the low ready.

13 I was like, You don't have to do this. We
14 are going to help you. Just stop.

15 He just had the knife to his throat. Kept
16 on smiling, cutting himself some more. And then
17 he just took off jogging down the street more.

18 Q. When you say, You don't have to do this, to
19 him, We are here to help you.

20 When you are thinking about your training,
21 presented with the situation that you are, what's
22 going through your mind?

23 A. I -- I was freaked out.

24 You know, I -- it was different from all
25 the other calls I had ever been on where there

1 was some sort of verbal communication.

2 There was a humanity aspect to it, you
3 know, it was just -- I'm sorry to say, but he had
4 a look on his face I'd never seen in 20 years.
5 It freaked me out.

6 Q. In your training, if you can't establish
7 rapport or communication, can you get to the next
8 step to de-escalate?

9 A. I'm sorry?

10 Q. In your training, if you can't communicate
11 and get a rapport, can you even get to the next
12 step and de-excalation?

13 A. You always are trying to de-escalate, always.
14 That's what we have to do.

15 Q. What happened next?

16 A. So he took off jogging down Chestnut Street.

17 And I crossed into the middle of the
18 street following him.

19 And then he turned down a side street or
20 it's a side house -- on the side of the house on
21 the right.

22 I saw Officer McMahon running with another
23 officer behind him, following the individual into
24 the backyard.

25 I saw that they were going behind the

1 backyard, so I stopped and turned around to come
2 to the front of the house because I figured he
3 was going to come back around, and if we go to
4 the front of the house maybe we can stop him
5 there. Have him some sort of contained so he's
6 not going into the neighborhood any more.

7 Q. And so you go back around.

8 And where do you go?

9 A. So, by the time I get to the front of the
10 house, I already see my partner, Officer Colbert.
11 He has the less lethal launcher.

12 There is an officer behind him. They are
13 like in a stack form.

14 I get on their immediate right side. We
15 are at the top of the driveway -- I guess where
16 the sidewalk touches the driveway -- and there
17 was a red car in the driveway.

18 So I kind of positioned myself behind that
19 red car by the bumper. They had the less lethal
20 out. The individual is coming from the backyard.

21 Colbert is giving verbal commands. I take
22 my sidearm and I holster up my sidearm so I can
23 have free hands because the less lethal is out.

24 And when the less lethal is out, it's just
25 one of those things, all right, this is good,

1 because he's -- if he's hit with it, then he will
2 just go to the ground.

3 I have free hands. I will be able to
4 handcuff him and bring him to help.

5 It didn't go that way so...

6 Q. So let's stop back for a moment.

7 You were at the bumper of the red car when
8 you holstered your weapon again?

9 A. Um-hum.

10 Q. Officer Colbert had the less lethal out,
11 right?

12 A. Yes.

13 Q. You said he was giving commands?

14 A. Yeah.

15 Q. What was he saying?

16 A. He was saying, "less lethal, less lethal."

17 Q. Is that the training?

18 A. That's part of the training. Um-hum.

19 Q. Why?

20 A. Because I have to notify the fellow officers
21 that that could be deployed and to avoid
22 sympathetic fire because it does sometimes sound
23 like a gunshot.

24 So if you say "less lethal, less lethal,"
25 we all know we are going to hear allowed noise,

1 and it's just a less lethal. It's nothing else.

2 Q. Did you see the less lethal deployed?

3 A. Yes.

4 Q. Can you describe that?

5 A. When Officer Colbert fired the less lethal,
6 that individual was standing towards us facing
7 us; he had the machete to his throat.

8 The less lethal hit -- hit the individual
9 in his belt line area.

10 It didn't have any effect on him. It just
11 hit him, and he kind of, like, smiled and just
12 turned around and 180 and just walked right to
13 the back of the yard.

14 Q. Before I ask you what happened in the back of
15 the yard --

16 A. What happened at the back of the yard?

17 Q. No, if I could ask you -- before I get to
18 what happened in the backyard.

19 A. Um-hum.

20 Q. Let me ask you about the strike of the less
21 lethal.

22 You said it was in his belt line?

23 A. Um-hum.

24 Q. Do you know, being a trainer on less lethal
25 how much force that is in terms of the weapon

1 deploying and striking someone?

2 A. So I'm not sure.

3 I can't remember the velocity off -- from
4 the training --

5 Q. Of course.

6 A. -- but I basically tell people it's like
7 getting hit with a Roger Clemmons's fastball,
8 because that's one thing that they kind of built
9 it on us because it's hard to remember the square
10 feet per section -- second how far it comes. I
11 can't just --

12 Q. And you said next you observed him go
13 straight into the backyard?

14 A. Um-hum.

15 Q. Can you describe that further?

16 A. Yeah. So he -- he went straight into the
17 backyard.

18 He had the machete up towards his throat
19 and just walked straight right -- right into the
20 backyard.

21 Q. Up next to his throat.

22 Right at his throat or a little out, if
23 you know?

24 A. I -- I -- I can't remember exactly where, but
25 it was -- it was up around here.

1 Q. What did you see next?

2 A. So he's -- he was walking towards the
3 backyard.

4 I saw Officer McMahon in the backyard, you
5 know...

6 It was just -- and then I...

7 MS. SPIROS: May I approach the witness,
8 your Honor.

9 THE COURT: You may. Sure.

10 A. And I hear five shots, and -- and then the
11 individual falls to the ground.

12 Q. Let me ask you, did you see how far the
13 individual was from Officer McMahon, if you did,
14 when the shots were fired?

15 A. 10 feet. About 10 feet.

16 Q. And when you saw this individual walking, can
17 you describe his pace?

18 You said it was directly towards. But
19 what was the pace like?

20 A. He was -- he was walking with purpose.

21 Q. Towards who?

22 A. Toward Officer McMahon.

23 Q. What was your concern for --

24 A. I thought he was going to try to kill -- kill
25 me.

1 I thought he was going to try to hurt me.
2 And I didn't have my service weapon out, so I
3 couldn't do anything.

4 So I was -- you know...oh, man.

5 Q. Take your time.

6 A. Oh, God.

7 And then when -- when Liam shot -- shot
8 him, he fell -- fell to the ground on his back,
9 and then I walked up to him and his hands -- his
10 hands were up over his head, and the machete was
11 back by his hands.

12 He's kind of trying to reach for the
13 machete.

14 I asked one of the officers to cover me
15 while I put gloves on to grab the machete.

16 I reached down and grabbed the machete and
17 threw it to the side.

18 And then you could see, you know, where
19 he'd been shot.

20 I look over, and I see Officer McMahon
21 standing there, and he was in shock.

22 I saw Officer Cas, Casimir, talking to
23 him. I just go over, and I said, Cas, get him
24 out of here. He doesn't need to see this shit.
25 Just get him out of here, you know. So he took

1 him away.

2 And then they came with medical equipment,
3 you know, because all we have are tourniquets,
4 but he was bleeding and shit.

5 So I grab a chest seal, and I put one here
6 on his chest.

7 I grab a chest seal, and I saw a wound
8 down here by his stomach. I just put that on his
9 chest, and he's trying to pull the medical
10 equipment off. I don't know why.

11 And I look at him and I'm like, Dude,
12 stop, we're trying to help you. He didn't say a
13 word. He was just smiling. Just smiling.

14 The other guys, you know, put tourniquets
15 on his arms and his legs and the medical people,
16 they -- they show up, you know.

17 And I was all stressed out. I was angry.
18 And I yelled -- I yelled at them that they took
19 too long. I felt terrible (indiscernible). So
20 we grabbed him and put him on the ambulance
21 stretcher.

22 MS. SPIROS: I am going to approach and
23 show the witness Exhibit 10.

24 BY MS. SPIROS:

25 Q. You may have a minute.

1 Take your time.

2 Do you recognize what's in ten?

3 A. Um-hum.

4 Q. What is that?

5 A. That's the knife that he had, and I tossed
6 aside.

7 Q. Sir, are you aware now that there was a video
8 that was taken from a house to the right in the
9 backyard that sort of shows where things ended
10 up?

11 A. I am aware yes, now. Yep.

12 Q. Have you ever seen that?

13 A. Yes.

14 Q. Did I show it to you?

15 A. Yes, you did.

16 Q. Okay. I just want to show you what's been
17 marked as Exhibit 13. They are stills.

18 I want to ask you that if you see
19 yourself --

20 A. Okay.

21 Q. -- in the video, in these stills of the video
22 from 55 Chestnut Street, if you could let me know
23 and then we'll have you mark it, okay.

24 A. Okay.

25 Q. All right. Take your time. There's a few

1 different...

2 A. Yeah. Okay.

3 So that -- that would be me in the middle.

4 Q. Right there, below the NA marking?

5 A. No.

6 Q. Right there.

7 A. Yep. In the middle crouched down. It looks
8 like crouched down.

9 Q. If you want to flip to the second page to see
10 if we get a better view of you.

11 A. Yeah. I'd say -- I'd say that that's
12 probably me, yep.

13 Q. Okay. Could you just circle the person who
14 you think is you on there and put -- just your
15 initials.

16 A. Yep.

17 Q. Okay. I'll take that back.

18 A. Okay.

19 Q. Thank you.

20 Sir, after the incident happened, in the
21 days after that, I should say, did you agree to
22 do a recorded interview with the State Police?

23 A. Yes. Um-hum.

24 Q. And did you do that voluntarily?

25 A. Yes.

1 Q. And that was recorded, correct?

2 A. Yes, it was.

3 Q. At the end of that interview, did you create
4 sort of a diagram or a sketch of where people
5 were at the time?

6 A. Yes.

7 MS. SPIROS: Can I approach, your Honor?

8 THE COURT: Yes, you may.

9 BY MS. SPIROS:

10 Q. On one side, sir, fair to say, there is sort
11 of an overview of where 59 and 55 Chestnut Street
12 are?

13 A. Yes.

14 Q. Is that right?

15 So 59's the one I am pointing to here,
16 right?

17 A. Yes.

18 Q. On the back this is your handwriting,
19 correct?

20 A. Yes, it is.

21 Q. Okay. That's your signature there?

22 A. Yes. Um-hum.

23 Q. All right. It's dated?

24 A. Yes.

25 Q. Dated January 6, 2023?

1 A. Yes.

2 Q. Okay. I'm just going to show you.

3 Does it indicate where you saw Officer
4 McMahan at the point the shots were fired?

5 A. Yes. Um-hum.

6 Q. Is that towards the top of the diagram?

7 A. Yes, it is.

8 Q. Okay. Is there a number there?

9 A. Ah, next to it, it says ten, yes. Um-hum.

10 Q. What's the ten mean?

11 A. 10 feet.

12 Q. Okay. And where are you indicated in this
13 diagram?

14 A. Right here. I start here.

15 Q. You start there, and then you move forward?

16 A. And then I move forward on --

17 Q. So that's the bumper of the car and then you
18 move forward?

19 A. Um-hum. Yes.

20 Q. Okay.

21 MS. SPIROS: I'd offer this as the next
22 exhibit.

23 THE COURT: All right. That will go in
24 Exhibit No. 25.

25 (Exhibit No. 25, Photograph, marked into

1 evidence.)

2 THE CLERK: Twenty-five.

3 MS. SPIROS: Your Honor, if I may have a
4 moment.

5 THE COURT: You may.

6 MS. SPIROS: I don't have anything
7 further for this witness.

8 THE COURT: All right. Thank you.

9 Attorney Anderson?

10 EXAMINATION

11 BY MR. ANDERSON:

12 Q. Just a couple quick questions, Officer
13 Pugliares.

14 A. Yes.

15 Q. Um -- good afternoon.

16 As you know, I'm Kenny Anderson,
17 representing Officer McMahon here?

18 A. Yes.

19 Q. Before starting with the Cambridge Police,
20 how were you employed?

21 A. I was -- I -- out of high school, I was in
22 the Marines for four years.

23 Q. Okay. And then you went from there to
24 Cambridge Police?

25 A. Then, after that, I had a couple of jobs at a

1 catering service, and then I worked for a
2 telecommunications company.

3 Q. Okay. And you said you've been 20 years with
4 Cambridge?

5 A. Yes. Um-hum.

6 Q. And this individual had a look that you've
7 never seen in 20 years?

8 A. Yes. Um-hum.

9 Q. From the time you first encountered him
10 following through the courtyard, going down
11 Putnam to Waverly, across Waverly into the
12 construction railroad area, back across Waverly
13 the other direction, and then down a block and a
14 half down Chestnut, until the less lethal was
15 deployed, is there a way you can give us an
16 estimate in terms of the timing of that?

17 A. Yeah. It -- it was 15 minutes, I'd say.

18 Q. And the number of commands that were given
19 during that time?

20 A. I -- I -- endless. Yeah.

21 Q. Okay. Are they consistent with your ICAT
22 training?

23 A. Yes. Um-hum.

24 Q. After the discharge you said you went up and
25 there was a machete that was above this

1 gentleman's head?

2 A. Yes. Um-hum.

3 Q. Was there anything else in that area with
4 him?

5 A. There was a book to the side.

6 Q. Okay.

7 MR. ANDERSON: If I can just approach.
8 I just want to show him Exhibit 11,
9 Judge.

10 THE COURT: Sure. Sure.

11 BY MR. ANDERSON:

12 Q. Let me show you what's been marked as
13 Exhibit 11.

14 Do you recognize that?

15 A. Yes. Um-hum.

16 Q. And when -- was the book open, or was it
17 closed when -- if you recall?

18 A. I -- I, I can't remember, yeah.

19 Q. And after you removed the knife or the
20 machete from the area, then you began first aid
21 effort?

22 A. Yes. Um-hum.

23 MR. ANDERSON: I have no further
24 questions.

25 THE COURT: All right. Thank you.

1 Attorney Kazarosian?

2 MS. KAZAROSIAN: Thank you, your Honor.

3 EXAMINATION

4 BY MS. KAZAROSIAN:

5 Q. Good afternoon, Officer Pugliares.

6 A. Good afternoon.

7 Q. I'm Marcia Kazarosian, and I represent the
8 family of Mr. Faisal.

9 And I know this is difficult for you, so I
10 appreciate your time.

11 When you first got the call you were -- do
12 you recall that you were told that there was a
13 man that had jumped out of a window; he was
14 trying to -- cutting himself with a piece of
15 glass from the window?

16 A. Um-hum.

17 Q. And at that point in time did you make a
18 determination that this was possibly a mental
19 health call, somebody in a mental health crisis?

20 A. At that time I'm not sure if it came into my
21 head. I just knew that it sounded pretty severe
22 and the other guys would probably need help.

23 Q. They --

24 A. And that the other officers would probably
25 need help.

1 Q. Okay.

2 A. Yeah.

3 Q. And you didn't call for a mental health
4 professional?

5 A. Not at that time, no.

6 Q. Did -- is there a procedure that you would
7 follow, according to the Cambridge procedures as
8 to a mental health call that --

9 THE COURT: Attorney Kazarosian, I think
10 this -- whether or not it was presumed to be
11 Cambridge policy or procedure, that might be
12 something for another thing but I don't
13 think -- I have that in the discovery material.

14 But whether or not someone called or
15 didn't call, I don't think it really helpful to
16 what -- for my determination, so if you could
17 move on.

18 MS. KAZAROSIAN: Thank you, your Honor.

19 BY MS. KAZAROSIAN:

20 Q. When you -- you said you had gotten on the
21 radio a couple of times to call for assistance.

22 That was to other officers?

23 A. Yes.

24 Q. And you had said that you gave -- you called
25 out to him -- when you first saw him, actually,

1 you didn't speak with him at that point?

2 A. No, not when I first saw him.

3 Q. And then later on as you were following --
4 following him you called out to him several
5 times and said -- asked him to stop and that you
6 wanted --

7 A. Stop running, yes.

8 Q. And that you want -- yeah. And that you
9 wanted to help him?

10 A. Yes.

11 Q. And then how -- so how would you have helped
12 him if he had stopped?

13 How would you have been able to help him?

14 A. Me personally?

15 I'd do what I would always do is we hold
16 the guy there. We talk to them. We call for an
17 ambulance.

18 They come -- and the ambulance comes and
19 talks to them, and then we basically put them in
20 the ambulance and bring them to the hospital to
21 get treatment.

22 Q. Okay. Now, you had said that even though he
23 wasn't communicating, you still always try to
24 de-escalate?

25 A. Yes. Um-hum.

1 Q. And there are obviously times when you can't
2 or there (indiscernible) makes it more difficult,
3 and this was one of them?

4 A. Um-hum.

5 Q. Am I correct?

6 A. Yes. Yes.

7 Q. But as part of de-excalation, what's the
8 process you go to?

9 I mean, there's -- is there away that you
10 can de-escalate that does not exclude
11 communicating directly?

12 A. I -- I don't think -- I don't know. I'm
13 not -- that's not -- I don't know.

14 Q. All right. Now, prior to Officer Colbert
15 shooting the less than lethal, he yelled out a
16 couple of times, correct?

17 A. (No audible response.)

18 Q. Do you know where Officer McMahon was at that
19 point in time?

20 A. At this time, no.

21 Q. And you did see that the projectile connected
22 with the young man?

23 A. It was -- it was fast, but it hit him in his
24 stomach area. Belt line.

25 Q. And that didn't phase him?

1 A. No.

2 Q. And then he went into the backyard?

3 A. Yes.

4 Q. And then at some point you come back out?

5 A. I -- I don't think so. I can't --

6 Q. Okay. And you said he always had the machete
7 up to his neck?

8 A. To his throat area, um-hum.

9 Q. Okay. Now, when he you -- when the shots
10 rang out and Mr. Faisal was on the ground, you
11 were there.

12 You were one of the first ones to arrive?

13 A. Yep.

14 Q. Was Officer Ayoub with you?

15 A. He was -- he was -- I don't know where he was
16 when that happened.

17 Q. Okay. Do you recall having to turn
18 Mr. Faisal over to get the knife that was under
19 his shoulder at the time?

20 A. He was like this.

21 So it was on the top of his head, so I
22 don't -- I don't think -- I don't remember
23 rolling him over anything.

24 Q. Okay. So you recall that the knife was at
25 his head?

1 A. Yeah.

2 Q. Not under him?

3 A. (No audible response.)

4 Q. And you didn't have to turn him at all to get
5 to the knife?

6 A. Not that I remember. No.

7 Q. Okay. When you said you were angry that they
8 took too long, were you talking about the medical
9 responders?

10 A. Yes. Um-hum.

11 Q. Okay.

12 MS. KAZAROSIAN: I have no further
13 questions.

14 THE COURT: All right. Thank you.

15 MS. SPIROS: Just briefly one question.

16 THE COURT: Sure.

17 EXAMINATION

18 BY MS. SPIROS:

19 Q. Sir, were you in uniform that day?

20 A. Yes.

21 Q. Were all the other officers who were engaged
22 in the backyard in the pursuit in full uniform
23 that day?

24 A. Yes. Um-hum.

25 Q. Thank you.

1 THE COURT: All right. Thank you,
2 Officer.

3 THE WITNESS: Thank you.
4 (Witness excused.)

5 THE COURT: Attorney Spiros, can I have
6 a -- can I just see you real -- real quick --
7 real quick, real fast.

8 MS. SPIROS: Me?

9 THE COURT: Yep. And -- oh, no.

10 (Sidebar as follows:

11 THE COURT: I just didn't want to say it
12 in open court.

13 UNIDENTIFIED SPEAKER: (Inaudible.)

14 THE COURT: That's okay.

15 I just didn't want to say it in open
16 court.

17 Attorney Spiros, does he have someone
18 with him today?

19 MS. SPIROS: (Inaudible.)

20 THE COURT: Okay.

21 MS. SPIROS: (Inaudible.)

22 THE COURT: I just wanted to make sure
23 (inaudible).

24 UNIDENTIFIED SPEAKER: He's had a tough
25 time.

1 THE COURT: Okay. Yeah. Thanks.

2 (End of sidebar.)

3 THE COURT: Attorney Spiros, do you want
4 to -- like I said, we'll go to one, but we have
5 20 minutes so...

6 MS. SPIROS: Sure. Officer Colbert,
7 please.

8 THE COURT OFFICER: Colbert?

9 MS. SPIROS: Colbert.

10 THE COURT OFFICER: Officer Colbert.
11 Watch your step. Stay here until you are
12 sworn.

13 THE WITNESS: Yep.

14 THE CLERK: Officer, if you could raise
15 your right hand.

16 Do you solemnly swear to tell the truth,
17 the whole truth, and nothing but the truth under
18 the pains an penalties of perjury?

19 THE WITNESS: I do.

20 THE CLERK: Thank you very much.

21 ROBERT COLBERT, SWORN

22 THE WITNESS: Thank you.

23 THE COURT: And, Officer, you can have a
24 seat.

25 And, you know, there is a sequestration

1 order; and, unlike other hearings you are
2 probably involved in and trials --

3 THE WITNESS: Sure.

4 THE COURT: -- this is a closed hearing.

5 THE WITNESS: Okay.

6 THE COURT: And it won't become public
7 for several -- for a -- for a while.

8 THE WITNESS: Yep.

9 THE COURT: So during the course of the
10 time, from now until the time it does become
11 public --

12 THE WITNESS: Um-hum.

13 THE COURT: -- I am just going to ask you
14 not to discuss your testimony with not just the
15 other witnesses but anybody, unless, of course,
16 you have counsel; obviously, you can speak to
17 your attorney about that. Okay?

18 THE WITNESS: All right, sir.

19 THE COURT: All right. Thank you.

20 THE WITNESS: Thank you.

21 MS. SPIROS: Thank you.

22 THE COURT: Attorney Spiros.

23 MS. SPIROS: Thank you.

24 EXAMINATION

25 BY MS. SPIROS:

1 Q. Good afternoon, sir.

2 A. Good afternoon.

3 Q. Could you please introduce yourself to the
4 Court spelling both your first an last name for
5 the record.

6 A. Officer Robert Colbert. R-O-B-E-R-T
7 C-O-L-B-E-R-T.

8 Q. How are you employed, sir?

9 A. With the Cambridge Police Department, patrol
10 officer.

11 Q. And how long have you been with the City of
12 Cambridge?

13 A. Just a little over four years.

14 Q. Prior to that, did you have any other law
15 enforcement experience?

16 A. I did. I was a transit police officer for a
17 year and a half.

18 Q. And other than that, any military training?

19 A. Yes, I was active duty for nine years. I'm
20 still in the reserves. I have a total of
21 16 years of service.

22 Q. And what was your role in the million fair?

23 A. I was in the Navy. While on active duty, I
24 was a machinist mate on submarines back in the
25 engine room, so the reactor department.

1 Q. Did you have any specialized roles for the
2 military at all?

3 A. So just training in general?

4 Q. Yes.

5 A. So, obviously, you go to boot camp. And as
6 far as this goes beyond the nuclear side of it, I
7 did attend security reaction force basic
8 training, which included -- it was a week-long
9 course which included firearms, breathing
10 techniques, defensive tactics, OC spray, and then
11 asset -- and by asset, I mean, like submarines
12 and ships -- protection pier side.

13 Q. I want to focus a little bit on your training
14 as in regards to the Cambridge Police Department.

15 A. Um-hum.

16 Q. Have you been trained in de-escalation
17 techniques?

18 A. Yes.

19 Q. Specifically the ICAT system?

20 A. Yes.

21 Q. And how about in mental health situations
22 generally?

23 A. Yes.

24 Q. And in the use-of-force policies?

25 A. Yes.

1 Q. Are you also trained on a particular device
2 called the less lethal?

3 A. Yes.

4 Q. What is its official name?

5 A. C-LIMM (phonetic).

6 Q. And what kind of device is that just briefly?

7 A. It's a -- it's a less lethal impact device.
8 It's a single shot. It deploys a single sponge
9 round used for gaining compliance or distraction
10 effectively.

11 Q. How is it generally accessed by someone who
12 needs it in the field, someone on the Department?

13 A. It's stored in our supervisors's cruisers.

14 So, when needed, we would request it and
15 the supervisor, when they arrive on scene, would
16 issue it.

17 Q. And so I want to turn your attention now to
18 January 4, 2023.

19 A. Um-hum.

20 Q. And were you working that day?

21 A. I was.

22 Q. And what car were you working in?

23 A. I was in Sector Car 1.

24 Q. And with who?

25 A. With Officer Pugliares.

1 Q. And he is the gentleman that just left the
2 courtroom; is that right?

3 A. Yep.

4 Q. Were you in a uniform that day?

5 A. I was.

6 Q. With the badge or some sort of insignia?

7 A. Full uniform, yes.

8 Q. Okay. Can you tell us about what the nature
9 was of the call that you got that day?

10 A. That day the call went from Sector Car 3, 5R,
11 and Car 7 -- or 17, I believe it was.

12 Myself and Officer Pugliares were actually
13 supposed to be heading up to the shop for
14 cleaning for the cruiser.

15 When the call came through, it came
16 through as a party that jumped out of a window
17 that was with a machete cutting themselves.

18 So Officer Pugliares and I decided that we
19 should go there just to check it out and provide
20 backup as necessary.

21 So we informed dispatch that we were going
22 to head over there to assist.

23 Q. When you got there, what did you see?

24 A. When we arrived on scene, at first we didn't
25 see anything. We pulled up on Sidney Street.

1 The address was on to the left side.

2 So Officer Pugliares was driving the car;
3 I was in the passenger's seat. He said, He's
4 down there.

5 And you could see down the ally of the
6 building on Sidney Street there. You could see
7 the individual was kind of crouched over.

8 Just shirt -- just sweatpants on, gray
9 sweatpants, no shirt, covered in blood. He look
10 like he was gathering his belongings.

11 And we tried to establish a dialog with
12 him at that point.

13 Q. Did you notice anything about -- when you say
14 "gather his belongings," what did you have?

15 A. So he had a -- a knife on him, an edged
16 weapon. It looked like a book. It looked like
17 he had grabbed another shirt. And that was about
18 it.

19 Q. What did you notice about him in terms of his
20 body?

21 A. It was -- I mean skinny, but he was covered
22 in blood.

23 Q. What was he doing when you first saw him
24 besides gathering the belongings?

25 A. When we first saw him, he just seemed to be

1 crouched over. I didn't really see anything that
2 he was doing.

3 Q. What did you do next?

4 A. We tried to establish a dialog. Call him
5 over, Hey, what's going on? Hey, we want to talk
6 to you.

7 At that point, like I said, he was
8 gathering his belongings, and he left towards the
9 back of the building away from Sidney Street.

10 Q. So you have a memory of saying, Hey, we want
11 to talk to you, more than once?

12 A. Yeah. I think both of us tried to address
13 him.

14 Q. Did you get any reaction?

15 A. No.

16 Q. Okay. Where did he go?

17 A. He went towards the back of the building, and
18 then went right behind the building.

19 Q. What -- did he take the knife with him?

20 A. He took those belongings that he picked up,
21 yes.

22 Q. Okay. And where did he go?

23 A. He continued around the back of the building.
24 I went a long the front side of the building to
25 the next ally on -- on the right side of the

1 building when you are facing it, back that way,
2 in the hopes of stopping him behind the building.
3 But he continued down behind the address on
4 Putnam Avenue.

5 We continued to pursue him down there,
6 calling off on via the radio, what we were doing,
7 the pursuit we were in.

8 Continued passed that, through the
9 courtyard in the back of that building, back out
10 on to Putnam Ave. across the street -- I think
11 it's Dodge Avenue over there -- and ran down
12 there and took a right on a driveway where we
13 went back out onto Waverly, across into the
14 parking lot next to Fort Washington park.

15 While -- throughout the entire time we
16 were calling off and trying to establish a dialog
17 and trying to talk to him.

18 Q. And let me just stop you there for one
19 second.

20 A. Yep.

21 Q. When you say you are trying to establish a
22 dialog this whole time --

23 A. Um-hum.

24 Q. -- as the chase is sort of happening or the
25 pursuit. What -- what do you mean by that?

1 A. Just yelling, Hey, stop. Drop the knife. We
2 want to talk. Let us help you. We are here to
3 help.

4 Q. What, if anything, was he doing with the
5 knife on -- during this time?

6 A. He was looking around. It looked like he may
7 have been waving it around to us. He kind of
8 kept looking back to us.

9 He didn't appear to be saying anything to
10 us but appeared to be waving the knife in our
11 direction and just kind of running away.

12 Q. Okay. And where did you see him go from
13 there?

14 A. So through the parking lot next to Fort
15 Washington. There was two chain link fences; he
16 went between those, which opened up to the train
17 tracks over there.

18 He continued down the train tracks which
19 is when Officer McMahon and Officer Ayoub were
20 coming from the opposite direction of us. He cut
21 back towards Waverly, crossed over Waverly, and
22 then ended up running down Chestnut.

23 Q. Okay. And so this time frame where you meet
24 up with the other officers, McMahon and -- tell
25 me the other officers name again?

1 A. Ayoub.

2 Q. Ayoub. Thank you.

3 A. Um-hum.

4 Q. Are you still trying to engage with this
5 individual?

6 A. Yes.

7 Q. Are you having any success in that?

8 A. No. No responses.

9 Q. Okay. And you said he left that area and
10 then went down to Chestnut Street?

11 A. Yes.

12 Q. Do you make any observations as you are going
13 through this pursuit of people who are out or
14 things that are happening?

15 A. While we were running, well, initially
16 when -- when I came into the back of the address
17 on Sidney Street, there was people, I believe
18 they were on, like, a deck or something -- I'm
19 not sure if they were on the Sidney Street side
20 or on the Putnam Ave. residence -- but they were
21 pointing down saying, He's right there. He's
22 right there.

23 But he had already -- I knew he had
24 already run passed them, because I could see him
25 running down the ally, and I said, no, he went

1 this way.

2 And then just kind of through the park and
3 on the train tracks. Obviously, we didn't see
4 too many people; but, when we came back onto
5 Waverly Street, there was people walking.

6 You could see them kind of getting over.
7 There was people driving in cars that were,
8 obviously, called to us, and I would say within,
9 you know, 12 to 15 feet of him running and where
10 we were and everything.

11 Q. And so, as you are following this individual,
12 you said he goes on Chestnut Street?

13 A. Yes.

14 Q. And is he stopping at all?

15 A. Not that -- not -- not.

16 Q. Is he dropping the knife?

17 A. No.

18 Q. What happened next?

19 A. Um, so, as we were crossing back over
20 Waverly, Sergeant Sennott was the sector sergeant
21 at the time, he was coming down the street in his
22 cruiser.

23 I went to the back of the cruiser with him
24 once he stopped and we -- he issued me the C-LLIM
25 (phonetic), the less-lethal weapon, while the

1 other officers continued chasing him down
2 Chestnut Street.

3 Q. So he issued you the weapon?

4 A. Um-hum.

5 Q. Essentially, does that mean he just takes it
6 out of the car and gives it to you?

7 A. So he takes it out of the stored lockbox,
8 hands me that, and also the satchel that's in
9 there with the munitions because it's stored
10 unloaded.

11 Q. They are stored separately, the munitions and
12 the less lethal?

13 A. The less lethal is in a lockbox. The
14 munitions are in a satchel, yes.

15 MS. SPIROS: May I approach?

16 THE COURT: You may.

17 BY MS. SPIROS:

18 Q. I'm showing you a photograph.

19 Do you recognize it?

20 A. This is C-LLIM.

21 Q. Okay. Is this the less lethal that you're
22 talking about?

23 A. It is a less lethal, yes.

24 I don't know if it's the one that I shot
25 that day. I am assuming it is.

1 Q. Okay.

2 A. Yep.

3 Q. Consistent with what you would have shot that
4 day?

5 A. Yes.

6 Q. If it's not the same one?

7 A. Yes.

8 MS. SPIROS: I'd ask that this be marked.

9 THE COURT: All right. That will go in.

10 I believe we are at 26.

11 THE CLERK: Exhibit 26.

12 (Exhibit No. 26, Photograph, received
13 into evidence.)

14 MS. SPIROS: Permission to publish it,
15 your Honor?

16 THE COURT: You may.

17 BY MS. SPIROS:

18 Q. Sir, can you see it from there on the
19 monitor?

20 A. Yes.

21 Q. I just want to point out a couple of things.

22 A. Um-hum.

23 Q. There appears to be something on top of the
24 barrel here.

25 What is that?

1 A. It's a red dot optic sight.

2 Q. And what is that -- what's the purpose of
3 that?

4 A. For aim.

5 Q. For aim.

6 And so this is the shoulder strap here; is
7 that right?

8 A. Yes.

9 Q. Is this, like, the trigger pull here?

10 A. That's the -- yeah, the pistol grip.

11 Q. Okay. And the less lethal munitions go into
12 this cylinder here, or for lack of a better
13 (inaudible) the barrel?

14 A. Yes.

15 Q. Okay. And after you received the less-lethal
16 device from Sergeant Sennott, what happened?

17 A. I started continuing down Chestnut Street
18 behind the officers, while I readied and loaded
19 the weapon.

20 And I observed them. I was probably a
21 block and a half behind them.

22 At some point they stopped and started
23 gathering outside of a residence, which was
24 59 Chestnut Street and that's kind of where I
25 caught up to them.

1 Q. So let me just ask you this question related
2 to why you approached Sergeant Sennott to get the
3 less lethal and utilize that.

4 What was going through your mind?

5 Why did you want that device?

6 A. At the time -- well, while we were pursuing
7 him -- and Officer Pugliares had requested it
8 also via the radio while we were in pursuit on --
9 on the railroad tracks.

10 Based off of our training, it's one of the
11 tools we use, and we train on situations similar
12 to this. And I knew it needed to be deployed.

13 And based off of -- the way Sergeant
14 Sennott was, and I knew I was trained on it, I
15 just took it upon myself to -- to retrieve it
16 from Sergeant Sennott so we could have it on
17 scene.

18 Q. Was there anything else on your duty belt in
19 terms of your tools available to you that would
20 have been appropriate for a large-bladed weapon
21 like that?

22 A. In this situation, I don't believe so.

23 Q. What's the advantage to using the less lethal
24 in a situation with a larger bladed weapon?

25 A. Being able to maintain a distance from the --

1 from the person.

2 Q. What happened next, sir?

3 A. So we -- several of us were lined up kind of
4 at the driveway.

5 I observed Mr. Faisal towards the end of
6 the driveway.

7 There was a red car inside the driveway
8 facing in.

9 I observed him towards the end of the
10 driveway holding a book in one hand, and he was
11 holding the blade up to his neck, again,
12 bleeding.

13 You could see lacerations on in this
14 wrists and his neck.

15 Q. If I could stop you there for one second.

16 A. Yep.

17 Q. You called him Mr. Faisal.

18 Is that because you know his name now?

19 Did you know him then?

20 A. I did not know him then.

21 Q. That was your first interaction with him?

22 A. That was, yes.

23 Q. I'm sorry, what happened next?

24 A. Um, so we established a line there. Because
25 I had arrived -- and per policy -- the less

1 lethal takes point.

2 I know Deputy Boyle was on scene at that
3 point also, and he said, you know, he's got --
4 he's got point.

5 I think Officer Ilyinskii and Deputy Boyle
6 both said that they had lethal cover as per
7 policy.

8 We continued to try to establish a dialog
9 yelling, like, Drop the knife. Drop the knife.
10 Let us help you.

11 And --

12 Q. When you say "less-lethal cover," what are
13 you referring to?

14 A. I was less lethal; they were lethal coverage.

15 So any time we deploy the less-lethal
16 weapon, we always have lethal coverage with -- by
17 means of a firearm in the event that the less
18 lethal fails and lethal or deadly force needs to
19 be used.

20 Q. What happened next, sir?

21 A. So we were yelling and trying to get his
22 attention. He -- he was not responding. He
23 wasn't saying anything to us.

24 And at some point I believed he started to
25 turn away.

1 I was taking aim towards his left eye --
2 backtrack a little bit.

3 So, during that situation, at some point I
4 saw Officer McMahon kind of come into the side
5 picture from behind the house, so I could see him
6 through where I was looking, where I was aiming.

7 Other officers said, Get back. Get back.
8 Get back. He stepped back.

9 At some point Mr. Faisal appeared to
10 potentially be blading or turning towards the
11 direction --

12 Q. You said "blading"?

13 A. Turning his body.

14 So he was, like, facing his us directly
15 with the knife up. He had started to move.

16 At this point based off of where we were,
17 the yard, the containment, the residential area,
18 and everything that we observed up until this
19 point and the fact, the self-harm that he was
20 causing himself I -- I determined that that
21 might be the best opportunity to try to utilize
22 the less-lethal weapon and potentially stop him.

23 And so I yelled, "less lethal, less
24 lethal, less lethal."

25 I took one shot; made contact, I believe

1 on his left side. I saw the -- it ricochet off
2 of him -- the sponge round ricochet off of him,
3 and it had no effect.

4 He started to turn back towards the yard;
5 at this point we were advancing in the driveway.
6 I was in reloading the less-lethal weapon. The
7 canister. As I said, it is a single shot.

8 And I heard -- I believe I heard about
9 five shots go off.

10 Q. Did you see the shots?

11 A. I did not see the shots, no.

12 Q. You heard them?

13 A. I did.

14 Q. So it was out of your viewpoint at that
15 point?

16 A. It was. I was -- at the time -- and I
17 distinctively remember looking inside the --
18 because the breech was open on the less lethal,
19 and I was putting a new canister into it and I
20 distinctively remember, like, looking at the new
21 canister inside the -- inside the breech of the
22 weapon.

23 MS. SPIROS: Your Honor, I have two
24 videos I need to show him as well as a couple
25 more photographs.

1 THE COURT: Okay.

2 MS. SPIROS: I don't know if you want me
3 to continue or break?

4 THE COURT: Why don't we --

5 MS. SPIROS: I'll keep going.

6 THE COURT: Why don't we break now for
7 lunch.

8 MS. SPIROS: Okay.

9 THE COURT: This might be a good point to
10 break. All right. We'll come back at 2:00.
11 Okay?

12 MS. SPIROS: Thank you.

13 THE COURT: All right. Thank you.

14 THE CLERK: Recess until 2:00.

15 MS. SPIROS: 2:00.

16 THE CLERK: Thank you.

17 THE COURT OFFICER: All rise.

18 (12:58 p.m. court in recess.)

19 (2:03 p.m. court resumes.)

20 THE COURT OFFICER: Please be seated.
21 Court's in session.

22 THE CLERK: We are back on the record.

23 THE COURT: Okay.

24 All right. And -- and before we begin
25 with Officer Colbert, I just want to put back on

1 the record, again, I think you might get sick of
2 hearing me say it, but remember, everybody, this
3 is a closed hearing.

4 MS. SPIROS: Yes.

5 THE COURT: We are not to supposed to
6 discuss this case with anyone, obviously, and
7 counsel and Officer McMahon. And that also
8 includes the interpreters.

9 Anyone who is present in this courtroom
10 should not be discussing anything they hear in
11 this courtroom outside of this courtroom with
12 anybody until this matter becomes public, okay?

13 MS. SPIROS: Yes.

14 THE COURT: All right. Thank you.

15 And, Attorney Spiros, you had a video you
16 were going to view?

17 MS. SPIROS: Yes. We are just -- we are
18 just -- I can proceed with -- with some
19 photographs --

20 THE COURT: Oh, sure.

21 MS. SPIROS: -- while it's being queued
22 up.

23 THE COURT: Okay.

24 MS. SPIROS: Thank you very much.

25 CONTINUED EXAMINATION

1 BY MS. SPIROS:

2 Q. Officer Colbert, do you know where, if you
3 do, the less-lethal munition came to rest?

4 A. The sponge round?

5 Q. Yes.

6 A. I believe it was on the right side of the
7 driveway towards the end of the red car.

8 Excuse me.

9 MS. SPIROS: May I approach?

10 THE COURT: You may.

11 MS. SPIROS: Thank you.

12 BY MS. SPIROS:

13 Q. I want to show you what's been marked -- I'm
14 sorry, not what's been marked; what has a Placard
15 No. 2 next to it.

16 A. Um-hum.

17 Q. If you could flip now the series of three
18 photographs and tell me if you recognize what's
19 depicted there?

20 A. It appears to be the sponge round munition.
21 Yep.

22 Q. And the second set of two here.

23 Do you know what we are looking at next to
24 Placard 1?

25 A. It looks like the spent canister.

1 Q. The spent canister. So, essentially, the --
2 what's marked next to Placard 2 and what's marked
3 next to Placard 1 were part of the same?

4 A. It was the same round. It is the same
5 munition round.

6 Q. They are just in two pieces now?

7 A. That's correct.

8 MS. SPIROS: Okay. I'd offer the first
9 set of three as the next exhibit. And the next
10 set of two as the exhibit after that.

11 THE COURT: Okay. So the three photos of
12 the driveway will be 27.

13 (Exhibit No. 27, Three photographs,
14 received into evidence.)

15 THE CLERK: Okay. Do you want to staple
16 those?

17 MS. SPIROS: (Indiscernible.)

18 THE CLERK: No? Oh, they are, I'm sorry.
19 Thank you.

20 MS. SPIROS: Your Honor, could I publish
21 27?

22 THE COURT: You may.

23 BY MS. SPIROS:

24 Q. And, Officer Colbert, can you see that on the
25 screen?

1 A. Yes, I can.

2 Q. And so this -- this is the sponge round that
3 you've been talking about that comes out of the
4 less lethal; is that correct?

5 A. Yes.

6 Q. Do you have any idea in terms of the force
7 or the velocity in which this round comes out of
8 the --

9 A. Yep. I don't know the velocity off the top
10 of my head. But I know the effective range that
11 we -- we train on. It would be 10 to 90 feet.

12 Anything within 45 feet it's -- you'd
13 expect per reaction to it and then within 10 feet
14 it becomes more risk for serious bodily injury.

15 Q. Is there a particular area of the body that
16 you are -- you are looking to aim for?

17 A. Per policy, we have three zones. Zone 1
18 being, I guess green zone, is the area that you
19 want to aim towards to hopefully with the -- the
20 muscle mass and the density there and less vital
21 organs, that's what you are aiming for to try to
22 achieve the less-lethal results that you are
23 looking for.

24 Q. Thank you.

25 MS. SPIROS: May I approach?

1 THE COURT: You may.

2 BY MS. SPIROS:

3 Q. Are you aware, sir -- and I may have asked
4 you this before we broke for lunch -- but are you
5 aware that there is a video from a cell phone
6 from a homeowner of 55 Chestnut next to where the
7 driveway was?

8 A. I was made aware, yes.

9 Q. And did I show you that video?

10 A. I believe so.

11 Q. Okay. I am going to show you a series of
12 photographs.

13 A. Um-hum.

14 Q. I ask you to just flip through them and
15 tell -- tell the Court if you see yourself
16 depicted in those photographs?

17 A. I do.

18 It's the -- the person in front.

19 Q. And are you holding the less lethal in that
20 still image?

21 A. I am.

22 Q. And if you could circle where you are located
23 and put your initial next to it, please?

24 A. All of them?

25 Q. No, that's fine.

1 And so does -- does this represent kind of
2 sort of how you entered the driveway?

3 A. Yes. After the round was fired.

4 Q. And there's a person behind you that appears
5 to have sort of their hand on your shoulder.

6 A. Yes.

7 Q. Who is that?

8 A. I believe it to be Deputy Boyle.

9 Q. Okay. And that lining up there, I think
10 we've heard it referred to as stack formation; is
11 that right?

12 A. Um-hum. Yes.

13 Q. And is that a tactical -- is that a training?

14 A. It's -- it's a tactical training, yes, that
15 we utilize when entering in areas due to the
16 tight proximity between the car and the house.

17 MS. SPIROS: I'd offer this as the next
18 exhibit.

19 THE COURT: All right.

20 THE CLERK: Okay. And this one?

21 THE COURT: That's --

22 MS. SPIROS: (Indiscernible.)

23 (Exhibit No. 28, Two photographs,
24 received into evidence.)

25 THE COURT: That's 28.

1 That's the two photos of the canister and
2 the round, right?

3 MS. SPIROS: That's correct.

4 THE CLERK: So this one will be 29.

5 (Exhibit No. 29, Two photographs, marked
6 into evidence.)

7 MS. SPIROS: Thank you.

8 Your Honor, if I could just have one
9 moment to --

10 THE COURT: Sure.

11 BY MS. SPIROS:

12 Q. Sir, have you also been shown a video from a
13 street view in Cambridge?

14 A. I have.

15 Q. And a video that you saw yourself on; is that
16 correct?

17 A. I did, yes.

18 Q. And do you see what's on the monitor here,
19 which is Exhibit 14 for the purposes of this
20 proceeding?

21 A. I do.

22 Q. Do you recognize what generally is depicted
23 here?

24 A. It appears to be Mr. Faisal running down the
25 street.

1 I believe that's Sidney Street -- I mean,
2 Chestnut Street, I'm sorry.

3 Q. Consistent with how you saw him and when the
4 officers were pursuing him?

5 A. Yes.

6 MS. SPIROS: With the Court's permission.
7 I'm just going to play it.

8 (Video played 2:10:22: through 2:10:37.)

9 BY MS. SPIROS:

10 Q. And we see some officers starting to come
11 into frame.

12 Do we see you yet, officer?

13 A. No.

14 Q. Okay. Are these some of the other officers
15 who were involved in -- in the pursuit?

16 A. Yes.

17 (Video continuing to play 2:10:46
18 through 2:11:59.)

19 BY MS. SPIROS:

20 Q. And I believe you indicated that the other
21 officers got ahead of you because you were
22 readying the less lethal; is that correct?

23 A. Yes.

24 Q. Have you seen yourself yet?

25 A. No.

1 (Video continuing to play 2:11:14
2 through 2:11:25.)

3 BY MS. SPIROS:

4 Q. So, as we are looking at the video, we see
5 cars driving in the area; is that right?

6 A. Yes.

7 Q. Do you see yourself now?

8 A. Yes.

9 Q. And is this you running to catch up with the
10 other officers?

11 A. Yes -- yes.

12 Q. Do you have a less lethal at that -- at that
13 time?

14 A. Yes.

15 (Video continuing to play 2:11:38
16 through 2:11:51.)

17 BY MS. SPIROS:

18 Q. We are going to show you another segment of
19 video.

20 A. Um-hum.

21 Q. Just one second.

22 And, sir, is this the video that I just
23 had you mark in terms of where you can see
24 yourself?

25 A. Yes.

1 Q. Okay. And again, deputy -- Deputy Boyle is
2 here behind you?

3 A. Yes.

4 Q. And who is this here, if you know?

5 A. I believe it is me; Officer Ilyinski from
6 this distance.

7 Q. Okay. You indicated that after you fired the
8 less lethal and it didn't have the effect that
9 you were looking for, you heard the shots but you
10 didn't see them?

11 A. That's correct.

12 Q. What happened after that, in terms of your
13 role there?

14 A. Um, so as I was -- I finished reloading the
15 40mm, and we advanced into the backyard.

16 We kind of took our positions around
17 Mr. Faisal, at which point, I believe Officer
18 Pugliares said, have cover -- or take cover, to
19 remove the knife from his immediate area.

20 The bladed weapon was still kind of
21 towards his right shoulder within arms reach.

22 I recall saying, I have cover. I took aim
23 at his chest with the -- with the 40-mill in a --
24 a lethal position at the range that I was at, and
25 Officer Pugliares was able to remove the knife

1 from his immediate reach.

2 We stepped back, and at that point we
3 started to put gloves on and start to rendering
4 aid with the available equipment that we had.

5 I went out to the street to grab a medical
6 bag from a cruiser.

7 I was handed a medical bag from I -- I
8 don't know who -- and I went back and started
9 handing out additional chest seals and whatever
10 else we had in the medical bag at that point.

11 Q. What, if anything, were you able to observe
12 about Mr. Faisal after he went -- went to the
13 ground?

14 A. He was flailing around.

15 It looked like his -- his right leg was
16 possibly broken due to the bend in it.

17 He was still activity kind of like -- I
18 don't know want to -- I don't want to necessarily
19 say fighting us, but he was actively kind of
20 trying to undue what it appeared to be we were
21 doing by putting tourniquets and chest seals on
22 the different wounds while we were assessing him.

23 Q. Was he speaking or communicating in any way?

24 A. I don't recall him speaking.

25 I do recall, like, smiles on his face,

1 though.

2 Q. After you assisted with the medical care,
3 what, if anything, happened next in terms of your
4 role at the scene?

5 A. As -- so we rendered care all the way up
6 until the point that he was handed over to the
7 ambulance workers and they -- they loaded him up
8 in the ambulance.

9 I returned, like, the ambulance bag that I
10 had taken from the ambulance to them.

11 And then we kind of stepped aside as
12 more units were arriving and were -- I handed
13 over the -- the 40mm to, I believe, Sergeant
14 Sennott at that point to -- to log as evidence.
15 And we returned back to the station shortly
16 after.

17 Q. And, in subsequent days, did you participate
18 in a recorded interview by the State Police?

19 A. The next day. Thursday.

20 Q. And was that something you do voluntarily?

21 A. I did.

22 Q. Was it -- and as I indicated, it was
23 recorded, correct?

24 A. That's correct.

25 Q. At the end of the interview were you

1 asked -- or during the course of the interview
2 were you asked to draw a diagram of positioning
3 in the backyard?

4 A. Yes.

5 MS. SPIROS: May I approach?

6 THE COURT: You may.

7 BY MS. SPIROS:

8 Q. And I understand one side of this is -- is
9 kind of an overview of -- of 59 Chestnut and the
10 houses surrounding it?

11 A. Yes.

12 Q. And then the other side appears to have
13 handwriting on it.

14 Did you recognize the handwriting?

15 A. It appears to be mine.

16 Q. That's yours?

17 A. Um-hum.

18 Q. Okay. And if you could just take a look at
19 it.

20 Does it accurately still reflect what you
21 remember of the positioning from that day?

22 A. As far as myself, Deputy Boyle, Ilyinskii, it
23 does, where exactly Pugliares, Sergeant Sennott
24 were and Maziarz, where I'm not 100 percent
25 positive, they were kind of behind me, but I do

1 believe that they were back here.

2 And then from what I understand, also
3 Ayoub was also in the backyard, who I wasn't here
4 where he was at at the point.

5 Q. Okay. And you indicated where the sponge
6 round went?

7 A. Yes. Where I saw it.

8 Q. What does the "D" stand for?

9 A. I believe it's for Mr. Faisal, where
10 Mr. Faisal was standing.

11 Q. Understood.

12 MS. SPIROS: Thank you.

13 I'd offer this as the next exhibit.

14 THE COURT: All right. That's
15 Exhibit 30.

16 THE CLERK: Marked exhibit --

17 THE COURT: Oh, no. Is that 30 or 29?

18 THE CLERK: I believe it's 29.

19 MR. ANDERSON: I think it's 30.

20 THE COURT: Thirty.

21 THE CLERK: Thirty.

22 THE COURT: Yeah, 30.

23 MS. KAZAROSIAN: What is 29?

24 MR. ANDERSON: (Indiscernible.)

25 (Exhibit No. 30, Photograph, received

1 into evidence.)

2 MS. SPIROS: If I could just have one
3 moment, your Honor.

4 THE COURT: Okay.

5 MS. SPIROS: Nothing further for this
6 witness.

7 THE COURT: All right. Thank you.
8 Counsel, Attorney Anderson.

9 EXAMINATION

10 BY MR. ANDERSON:

11 Q. Just -- just a couple questions, Officer
12 Colbert.

13 Is it fair to say you and Officer
14 Pugliares were the first two to encounter
15 Mr. Faisal?

16 A. Yes.

17 Q. And from that point going through the
18 courtyard down to Waverly into the construction
19 area, train tracks, back over Waverly and then
20 down --

21 A. Um-hum.

22 Q. -- a block and a half down Chestnut until you
23 engaged the less lethal, any idea how much time
24 that was?

25 A. At that -- I still believe it might have been

1 six to seven minutes, five to seven minutes,
2 around there.

3 Q. And how many verbal commands or efforts were
4 there to establish some type of communication
5 with this gentleman?

6 A. I would say it was almost consistent
7 throughout, as long as we were running with him.

8 Q. Okay.

9 A. I couldn't number it.

10 I mean, it was -- like I said, it was
11 consistent. Just trying to gain his attention.

12 Q. And just -- just to explain to the Court your
13 timing in terms of the less lethal and then when
14 you end up getting in the backyard, what's --
15 what the process of reloading that less lethal?

16 Mechanically, what do you do to it to
17 actually --

18 A. So it's -- it's a breech -- breech lever. So
19 on the pistol grip it has two release mechanisms
20 that open it up so it folds in half effectively
21 so you can see the barrel of it.

22 And, once it's fired, you dump out the
23 spent canister, which was on the left side of the
24 motor vehicle.

25 In the satchel, you grab a new canister,

1 you reload it and you close the breech.

2 Q. And how long does that process take?

3 A. It would take -- you know, it could take
4 anywhere 10 to 15 seconds, possibly, depending on
5 what you are doing.

6 At that time -- at that time we were also
7 moving forward, too, so.

8 Q. Okay. And where in the process did you
9 reload that canister?

10 A. Towards the left rear of the vehicle.

11 So, in the video, and in the picture
12 there, you -- I think the breech is actually open
13 in that still frame.

14 So I did -- dropped it -- and it looks
15 like I -- actually in one of the photos that I am
16 actually reloading it in that point.

17 Q. Okay. And at some point in the video you can
18 see Deputy Boyle actually going around you as you
19 are in the process of reloading?

20 A. Possibly, or -- yeah. I -- I don't recall
21 seeing it on the video. But, yeah, it's
22 possible.

23 MR. ANDERSON: I have -- I have no
24 further questions.

25 THE COURT: All right. Thank you,

1 counsel.

2 Attorney Kazarosian.

3 MR. ANDERSON: Thank you, your Honor.

4 EXAMINATION

5 BY MS. KAZAROSIAN:

6 Q. Good afternoon, Officer Colbert.

7 I'm Marsha Kazarosian --

8 A. Good afternoon.

9 Q. -- and I represent the family of Mr. Faisal,
10 the young man.

11 A. Um-hum.

12 Q. After you shot the less than lethal --

13 A. Um-hum.

14 Q. -- how much time, if you can estimate, was it
15 before you heard the shots ring out?

16 A. Twenty seconds. Twenty-five seconds maybe.

17 Q. And when you talked about the stack formation
18 -- and I'm just not -- maybe I'm not
19 understanding it properly -- but you said you
20 utilized it tactically to enter areas that --
21 where there is a tight proximity or a tight?

22 A. Um-hum.

23 Q. Can you explain that again?

24 I'm not sure I understood it?

25 A. So a line formation would be all of us

1 standing in line with each other, shoulder to
2 shoulder, effectively, which is kind of the
3 formation we had out in the beginning of the
4 driveway.

5 But as we -- after -- after I deployed the
6 less lethal and we were making -- entering into
7 the driveway, as Mr. Faisal kind of turned
8 towards the back, we were trying to close some of
9 the gap there, as he was getting away -- I don't
10 want to say getting away from us, but moving away
11 from us.

12 Q. Yeah.

13 A. Because of the proximity between the house
14 and the car, we stacked up. So we go front and
15 back.

16 So because I had the less lethal, I still
17 technically had point at that point.

18 Q. So when you say "stacked," you are going --
19 people are behind you?

20 A. Yes.

21 Q. Officers are behind you in a line?

22 A. Yes.

23 Q. So it's like a line?

24 A. Yes.

25 Q. Okay. And that's because there was not that

1 much room between the car and the house?

2 A. Right.

3 Q. Or -- or the other side of the house?

4 A. Right.

5 Q. And you had said at one point that you were
6 trained on situations similar to this.

7 A. Um-hum.

8 Q. Um, did that training ever involve any other
9 less than lethal -- lethal options?

10 A. So the less lethal options that we carry, is
11 that what you are asking?

12 Q. Well, you had talked -- you had specifically
13 said, We trained on situations similar to this.

14 A. Um-hum.

15 Q. What were you referring to?

16 A. Well, we do -- during in-service, we've
17 done -- well, we have simulators, a FAAC
18 simulator, which is just a simulated screen where
19 we do weapons training, which -- CO₂ power weapons
20 training.

21 We do live-fire training at the Middlesex
22 County Sheriff's trailer where they do
23 simulations like this. It's a video.

24 And then we've done simulation training
25 with live personnel.

1 Q. So you are talking about simulations on how
2 to shoot the less than lethal not simulate --

3 A. Simulations on how to handle a situation.

4 Q. How to handle a situation --

5 A. Right.

6 Q. -- with a person in a mental distress or
7 just --

8 A. In -- yes.

9 Q. And you had just described, like, different
10 ways to -- in a simulation; there is no
11 simulation about how to communicate, correct,
12 or --

13 A. I mean, we work on it. I mean, I've been
14 through trainings where they've hired actors to
15 come in, non -- nonpolice officers to come in and
16 to work on de-escalation, conversation, trying to
17 establish dialog.

18 Q. And part of that simulation, do they
19 ever -- is it ever -- are you taught that
20 sometimes issuing commands are going to be
21 ignored or not understood by someone in a mental
22 distress situation?

23 A. Yes.

24 Q. And how do you handle that, or how would you
25 be trained to handle that?

1 A. I mean, it depends on -- on the situation.
2 It's the totality of the circumstances.

3 If I can -- if we can establish the dialog
4 and we can get feedback, we can do it.

5 If we can use time, we can use time.

6 If -- you know, if there is weapons
7 involved, if there's hostages involved, I mean,
8 it's just based off the totality of the
9 circumstances.

10 Q. Okay. And so when you say "we can use time,"
11 what -- what were you referring to?

12 A. If you can wait somebody out, you wait
13 somebody out.

14 Q. And but did you believe that there was no
15 ability to wait someone out here --

16 A. Not in the situation.

17 Q. -- when he was in the driveway -- when he was
18 in the driveway?

19 A. Not in the situation.

20 He had already caused some significant
21 bodily injury to himself.

22 And at the -- the close residential area
23 we were in, we also didn't know what the initial
24 call for service was, as he jumped out of a
25 window, so we didn't know what was going on in

1 that apartment.

2 I had no idea if he had injured somebody
3 else.

4 And, you know, he appeared to be suicidal,
5 but we didn't know if he was going to turn
6 homicidal at some point which...

7 Q. But you didn't get any calls or anything
8 that indicated anyone else had been injured,
9 correct?

10 A. Not from inside the apartment but...

11 Q. And you didn't see him threaten anyone with
12 the knife, correct?

13 A. Um, well, his demeanor with the knife and
14 waving it around, I would constitute as
15 threatening.

16 Q. And were you close to -- in proximity to him
17 when he was doing that or could you see his
18 (inaudible)?

19 A. From the point that we were running, I think
20 the closest we may have gotten with him was
21 probably within, you know, 10 feet maybe while we
22 were running.

23 But, throughout the pursuit, we would slow
24 down, if we lost sight of him to, what we call
25 pilot corners, to make sure that -- because he

1 had a tactical advantage on us when we lost sight
2 of him behind corners or in -- in areas that we
3 couldn't see him.

4 So we would slow down, lose some ground,
5 and then we'd have to regain the ground.

6 Q. And so part of the training when you talk
7 about time -- and that also includes distance and
8 barriers, correct?

9 A. Yes.

10 Q. So when they -- when you didn't get into the
11 backyard until this had -- the shooting had
12 already occurred, correct?

13 A. Right. Correct.

14 We stayed on the front of the -- behind
15 the car.

16 Q. So would the car be considered a barrier?

17 A. Could be, yes.

18 Q. And would trees be considered barriers, or
19 bushes?

20 A. Could be, yes.

21 Q. And distance -- when you talk about distance,
22 what is the point of maintaining distance?

23 A. It's to effectively, hopefully preclude
24 yourself from being injured or putting yourself
25 into a situation where you could be subject to

1 serious bodily harm.

2 Q. And does that also allow you to have more
3 time to try to see the things de-escalate?

4 A. Potentially.

5 MS. KAZAROSIAN: All right. Thank you.

6 I have no further questions.

7 THE COURT: All right. All right.

8 Thank you, Officer.

9 THE WITNESS: Yep. All set?

10 (Witness excused.)

11 MS. SPIROS: Thank you.

12 THE COURT: Okay. Attorney Spiros?

13 MS. SPIROS: Yes, Officer Casimir

14 Maziarz.

15 I hope I'm saying that right.

16 THE COURT OFFICER: Officer Casimir.

17 MR. ANDERSON: Maziarz.

18 MS. SPIROS: Maziarz. Thank you.

19 THE WITNESS: Do I go up there?

20 THE COURT OFFICER: Right up there. Just
21 stand up and get sworn.

22 THE WITNESS: Okay.

23 THE CLERK: Sir, if you can raise your
24 right hand.

25 THE WITNESS: Sure.

1 THE CLERK: Do you solemnly swear to tell
2 the truth, the whole truth, and nothing but the
3 truth under the pains and penalties of perjury?

4 THE WITNESS: I do.

5 THE CLERK: Thank you very much.

6 CASIMIR MAZIARZ, SWORN

7 THE COURT: All right. Officer, you can
8 have a seat.

9 And I just want to remind you that, I am
10 sure you are aware, there is a sequestration
11 order.

12 THE WITNESS: Yes.

13 THE COURT: And unlike a typical trial or
14 hearing you've been involved in, I'm just going
15 to direct you not to discuss your testimony that
16 you give here today with anybody else until this
17 matter becomes public.

18 Of course, that doesn't include any
19 counsel that you may have or an attorney you may
20 have, okay?

21 THE WITNESS: Yep, of course.

22 THE COURT: Thank you, Officer.

23 Okay. Attorney Spiros.

24 MS. SPIROS: Thank you.

25 EXAMINATION

1 BY MS. SPIROS:

2 Q. Good afternoon, sir.

3 A. Good afternoon.

4 Q. Could you please introduce yourself to the
5 Court; spell your first and last name for the
6 record?

7 A. My name is Casimir Maziarz.

8 First name is C-A-S-I-M-I-R; last name is
9 M-A-Z-I-A-R-Z.

10 Q. How are you employed?

11 A. I am a Cambridge police officer with the
12 police.

13 Q. How long have you been a Cambridge police
14 officer?

15 A. Seven years now.

16 Q. And any law enforcement experience prior to
17 that?

18 A. No. None.

19 Q. Military?

20 A. None.

21 Q. Can you tell us, sir, did you -- have you had
22 training from the Cambridge Police Department in
23 the area of de-escalation?

24 A. Yes.

25 Q. And how about at the academy when you went?

1 A. Yes.

2 Q. Okay. And did you have the ICAT training in
3 2019 with the rest of the Department?

4 A. I did.

5 Q. Did you -- are you also trained in regards to
6 mental health through the City of Cambridge?

7 A. We are. Yes, I am.

8 Q. Are you also trained on concepts related to
9 use of force?

10 A. Yes, I am.

11 Q. I want to call your attention specifically to
12 January 4, 2023.

13 Were you working that day?

14 A. Yes, I was.

15 Q. What was your role?

16 A. I was a patrol officer assigned to 3R, which
17 is a report car for a certain section of the City
18 of Cambridge.

19 Q. And so are you alone in that car?

20 A. I am alone, correct.

21 Q. And when you are in that car are you wearing
22 a full uniform?

23 A. Full uniform, yes.

24 Q. With some sort of badge or insignia that says
25 Cambridge Police?

1 A. Correct. Yep.

2 Q. And did you hear a call that caught your
3 attention?

4 A. Yes, I did.

5 Q. Were you specifically dispatched to that call
6 or did you just respond to assist?

7 A. I was not dispatched to it.

8 I started responding based on what I heard
9 through dispatch.

10 Q. What is it that you remember hearing from
11 dispatch?

12 A. The first thing I recall was a man with a
13 knife -- a large knife -- they described it as a
14 machete, and something about blood.

15 Q. And as a result of hearing that call, where
16 did you go?

17 A. So initially I started -- I was by -- on
18 Cardinal Medeiros, by Cambridge Street, and I
19 started just going that direction initially
20 without lights just because we often will get
21 calls that sound elevated, and they don't
22 necessarily turn out that way.

23 But I -- I heard that large machete and I
24 wanted to start that way. So that's what I --
25 that's what I initially did.

1 Q. And did the response change for you?

2 A. Yes. It changed when they said that the
3 individual was outside.

4 The reason why that changed for me it's
5 now someone is out in public with a large
6 machete-style knife.

7 That, to me, elevates the situation, and I
8 wanted to get there quickly, and I through my
9 lights on.

10 Q. When you say you wanted to get there quickly,
11 what was your concern?

12 A. My concern hearing that is the public safety.

13 First and foremost is you have an
14 individual in a community going around with a
15 large -- what I'm going to keep describing as a
16 machete-style knife because that's what it came
17 in as.

18 So I'm thinking public safety, you know,
19 this individual could harm someone seriously or
20 potentially kill someone.

21 Q. And so where did you respond to?

22 A. So I responded to -- I don't know the exact
23 address but it was Sidney Street. That's what --
24 what came in.

25 Q. What did you see?

1 A. So I first came in; there was another cruiser
2 that arrived before me. So that's the first
3 thing I saw.

4 I got out of my cruiser; I didn't see
5 anyone. But I remember dispatch saying something
6 about in ally.

7 And I looked to my left -- and I'm
8 familiar with the neighborhood and the area.
9 It's an apartment complex building. And there
10 was an ally, sure enough.

11 And I -- I started walking down there, and
12 I saw glass and blood. So that I figured I was
13 in the right area.

14 And then -- and then I just kept listening
15 for the radio to see if there was a location
16 given.

17 Q. And what did you hear next?

18 A. I'm not sure which officer it was. I believe
19 it was Officer Pugliares mentioned something
20 about Putnam Ave.

21 And, again, I'm -- I grew up in the
22 City of Cambridge, so I'm very familiar with the
23 area.

24 I knew Putnam Ave. If I just cut to the
25 left from this apartment complex, I would have

1 ended up right on Putnam Ave.

2 So that's where I went and that's -- at
3 that point is when I saw the two officers,
4 Pugliares and Colbert.

5 Q. And before I -- I ask you what happened next,
6 you've mentioned a couple times that you are
7 familiar with the city.

8 What is in this area?

9 Can you familiarize the Court with what's
10 there?

11 A. So, like I said, we first started off in
12 a -- in an apartment building. So it's very -- a
13 pretty large complex.

14 And to the left of it is kind of
15 industrial. There's some train tracks where we
16 ended up for a little bit.

17 But, just to the right of it, Sidney
18 Street and anything -- and anything in -- inside
19 going towards the -- I don't know, towards
20 Brookline Street, it's all residential. It's all
21 houses right next to each other. People walking
22 every day. Biking. Kids are out.

23 So that's -- that's what -- how I would
24 describe the neighborhood. Very residential.

25 Q. So you indicated you saw a couple other

1 officers there?

2 A. Correct.

3 Q. What happened next?

4 A. So I saw them and I just -- I followed in
5 their direction.

6 And as I was crossing -- or getting on
7 Putnam crossing -- crossing Waverly, I saw an
8 individual -- across from Waverly there is a
9 large parking lot. I believe it's owned by MIT.

10 I saw an individual at the very back of
11 the parking lot running with his shirt off, and I
12 could see -- from where I was, I could see a very
13 large knife, and I could see blood on the
14 individual's neck.

15 Q. When you say you could see a very large
16 knife, was this individual carrying the knife?

17 A. Yes.

18 The -- from what I -- from what I recall,
19 the first time I saw him, they had it up on their
20 neck the knife on their neck.

21 Q. When you saw the person, did you recognize
22 them?

23 A. No.

24 Q. Had you interacted with that person before?

25 A. No.

1 Q. What happened next?

2 A. So this individual -- there is -- so there is
3 a fence at the back of the parking lot, and then
4 there's like a construction staging site.

5 And there is a very small gap at the end
6 of the staging site and the fence that can lead
7 you out to the train tracks.

8 So I saw that's kind of where he went. He
9 ran in that direction, and he went through
10 that -- that little gap.

11 So, again, I just continued to follow.
12 And Officer Pugliares and Colbert were in front
13 of me. So I go in between that gap.

14 I see him on the train tracks out in that
15 area like on the tracks, and I see two other
16 officers way further down.

17 Q. And at this point, just when you can see
18 Officer Pugliares and Colbert, is anyone trying
19 to engage with him?

20 What's happening in regards to this
21 individual?

22 A. Yes. From the very instance I was close
23 enough to see the individual, verbal commands
24 were being given to him to him. Drop the knife.
25 Drop the knife. Please stop. We want to talk.

1 We want to talk. Just drop the knife.

2 Those are commands that I can recall.

3 Q. And then you said you saw two officers -- two
4 officers in the distance.

5 Who were those officers?

6 A. At that point I wasn't too sure.

7 Q. Did you come to learn who those officers
8 were?

9 A. I come to learn that was Officer McMahon and
10 Officer Ayoub.

11 Q. Okay. And what happened next, sir?

12 A. So, again, I could see him from where I was
13 and I saw him take a right. And, again, I'm
14 pretty aware of the area.

15 I know there is, like, an -- I call it an
16 ally that cuts through this construction staging
17 site back on to -- that would be -- what street
18 is that? Waverly, I want to say. It cuts back
19 on to Waverly Street.

20 So I -- we follow; Pugliares and Colbert
21 were ahead of me. And I just followed on to
22 Waverly and continued to pursue which led us on
23 to Chestnut Street.

24 Q. And as you are continuing to pursue and you
25 are making additional observations of this

1 individual, what, if anything, stands out in
2 terms of his demeanor and what he looked like?

3 A. Um, so on Chestnut Street I caught up and was
4 within -- I call it a house length's away,
5 whatever that is, 20 yards or so.

6 So -- you can see -- you know, you can
7 see.

8 And with every verbal command, Hey, stop.
9 We just want to talk to you. We just want to
10 talk to you. Drop the knife.

11 There was no reaction. We weren't getting
12 any response -- any verbal response.

13 He would stop and look at us, put the
14 knife to his neck, and we would slow down, and
15 then he would continue running.

16 And he did that a few times. And then at
17 one point he took the -- the large knife, and he
18 was banging it against the curb -- or the
19 sidewalk curb.

20 And I at that -- initially, I wasn't too
21 sure as to what he was doing.

22 And then what I put together is he was
23 trying to sharpen the -- the object, the knife,
24 he was trying to sharpen the knife.

25 And then he would continue -- while we

1 were running, he would continue with force to
2 hack at his own neck.

3 Q. And so as this is happening, you just
4 mentioned the officers would slow down when he
5 would stop or slow down.

6 What was the purpose of that?

7 A. So there's an individual with a -- with a
8 knife, which is a lethal weapon in our
9 profession. We consider that a lethal weapon.
10 And most people probably would.

11 So that's to give space to give distance.
12 We don't want -- we don't want to run up to
13 someone that has a very large knife in their
14 hand.

15 It just doesn't -- it goes against all of
16 our training.

17 So we were trying to give a little bit of
18 space so we could give some commands to try to
19 de-escalate the situation and get it under
20 control to the best we could.

21 Q. And so, at this point, you've sort of been on
22 several different streets in different areas in
23 terms of this pursuit or this chase.

24 Do you see other civilians around?

25 What -- what can you observe? Presuming

1 you are focused on this individual, but what else
2 can you see?

3 A. I -- the only thing I remember is the other
4 officers, and I remember -- this is prior -- but
5 in the parking lot I remember someone getting in
6 their car, and they said to me, like, Hey, like
7 what's going on?

8 We had our firearms out. And they said,
9 What's going on? Should I get out of here?

10 And I just told him, Hey, get in your car.
11 Lock your door. Get out of here.

12 There was a UPS person somewhere. I don't
13 recall exactly where it was, and I don't -- I
14 didn't exchange any words with him.

15 Q. And so after you see him sort of -- what you
16 presumed or concluded was sharpening the knife on
17 the ground, what happens next?

18 A. We just continue on -- on Chestnut Street,
19 again, with the same -- giving -- the -- the
20 whole time giving verbal -- mostly Officer
21 Pugliares kind of took over the verbal commands
22 and -- and calling off on the radio, just kind of
23 something that happens in our -- in our
24 profession is one individual kind of becomes the
25 point person when it comes to the -- giving off

1 locations or engaging with the individual.

2 And he took that role over. So he kept --
3 continued to give verbal commands, and we just
4 continued to follow down Chestnut.

5 Q. And so in terms of your training and
6 experience as you are watching this unfold and
7 you are trying to -- you see mostly Officer
8 Pugliares trying to engage with him, what is
9 going through your mind or what is your concern
10 as this is happening and there's no apparent
11 impact?

12 A. So, obviously, not -- while -- while I'm on
13 scene, I know this is -- this is -- it's a pretty
14 elevated call, and we're -- you know, at -- we
15 are at the lethal stage in terms of the -- I
16 don't want to get into it too much -- the use of
17 force continuing and everything.

18 But, you know, we are up there. So my
19 concerns are the -- the safety's public, the
20 officer's public and the individual's -- sorry.

21 My concerns are the public, the officers's
22 safety, and the individual's safety. Those are
23 my main concerns.

24 And -- and mostly the public -- and we are
25 in a residential community -- I was honestly

1 worried about him going by someone, an incident
2 civilian, a kid, especially, and taking a swing
3 and either causing serious bodily harm or killing
4 that person.

5 That was what was going through my head
6 while we were on Chestnut Street.

7 Q. And, on Chestnut Street, what did you see
8 happen?

9 A. Just, like -- sorry.

10 Q. Did he end up going towards a home?

11 A. Right. Sorry.

12 So we -- yes, we ended up getting to a
13 home and it was 59.

14 And I remember that because I said if
15 this -- if something goes south, I have to --
16 some -- someone needs to know where we are. The
17 location of where we are, so I clearly remembered
18 looking at the No. 59.

19 And I saw him go off to the left of the
20 house in the back presumably towards the
21 backyard.

22 There was two -- two officers in front of
23 me. At that point I could not tell you who they
24 were.

25 I started that way and then stopped

1 because, from my vantage point, I could kind of
2 see that it was a backyard and it looked
3 contained to an extent.

4 So I knew two officers were going in. My
5 thought process was, let me go on the other side
6 to try to flank -- flank and keep this individual
7 contained to this backyard so we could
8 de-escalate the situation.

9 Q. And just, if you could tell the Court a
10 little bit more about what the thinking is behind
11 containing him at that point and not just
12 allowing this to keep going on.

13 A. So as I mentioned before, my -- my biggest
14 concern at this moment is -- is public safety and
15 an individual walking on the street and
16 preventing them from getting any -- being harmed.

17 So my thought process was if we can at
18 least get them into an area that is -- I say
19 relatively contained because a backyard, although
20 there is a fence, they could jump the fence. One
21 of the fence to the left was very short. They
22 could have gotten out.

23 So relatively contained to an area that we
24 could possibly start to engage and maybe get some
25 feedback and try to -- to get this situation

1 resolved. I --

2 Q. What happened next?

3 A. I lost thought of your original question
4 but...

5 Q. And so you indicated you wanted to go around
6 and flank on the other side?

7 A. Correct.

8 Q. What position did you take up? What was
9 happening on that side?

10 A. So as I came around, I know -- I know who was
11 there now, but I know I saw Officer Colbert with
12 the -- we call it the 40mm less-lethal device
13 that we have. I know I saw him, because there
14 was a car -- I would say the car was at like the
15 end of the driveway. So you could see part of
16 the backyard by the car.

17 Officer Colbert was going to -- if you
18 are -- if you are in the rear of the car, I'm
19 going to call it the left. He was on the left
20 side of the car. The driver's side of the car.
21 I initially was, like, stacked behind him and
22 then I decided to go on the other side of the
23 car, again, to use the car as a barrier.

24 I could see the individual not too far
25 from us in the backyard.

1 So I went on the other side of the car to
2 have a -- a barrier in between myself and the
3 individual.

4 And that's when Officer Colbert fired
5 the -- the sponge round.

6 Q. What were you able to -- were you able to
7 observe the sponge round strike the individual,
8 or no?

9 A. So I can't -- I heard it go off. I -- I
10 can't say for certain if it struck him. I did
11 see a reaction.

12 I saw the individual kind of jump or jump
13 back, something.

14 He made a movement that -- it was my
15 belief -- struck him; however, it did not put him
16 down.

17 It did not stop -- it didn't have the --
18 it didn't have the -- what am I trying to say --
19 the...

20 Sorry. It didn't have the outcome that we
21 wanted. Stop the situation. Sorry. I am
22 blanking on my words.

23 Q. Did the person remain on his feet?

24 A. They did.

25 Q. And did -- was there any -- other than the

1 physical kind of jump back that you just
2 described, any audible reaction or verbalization
3 that you remember?

4 A. I believe I -- I recall like a laugh almost
5 or a grin, I saw a smirk sort of.

6 And so at this point he -- from -- he was
7 facing us.

8 When he -- when I thought he got struck --
9 this happened very quickly -- this -- I was at
10 probably the end of -- the beginning of the car,
11 the front of the car, so I had a pretty good
12 view.

13 He turned around almost immediately after
14 the reaction that I saw.

15 Q. Was he still holding the knife?

16 A. He was still holding the knife.

17 Q. What was the position of the knife when he
18 turned around, if you remember?

19 A. So what I remember -- I remember the knife.
20 He was holding the knife, and I remember
21 his -- his -- I can't say exactly where it was,
22 but I remember his hand being chicken-winged.

23 So when I say "chicken-winged," kind of
24 like this, which I would believe the knife would
25 either be here or here.

1 I just remember seeing that motion.

2 Q. So you are demonstrating -- for the purposes
3 of the record, your elbow is out and elevated
4 kind of to shoulder level or just below?

5 A. Correct. Correct.

6 Q. And so you said he turned around and you
7 could observe the -- the arm up.

8 What did you see him do next?

9 A. Pretty -- almost as soon as he turned
10 around, he started walking directly -- not
11 even -- not walking. It's a walking with intent.

12 There was -- there was a purpose -- it was
13 a purposeful walk. It wasn't just a brisk walk.
14 He walked with intent, directly towards Officer
15 McMahan.

16 Q. And at that point where was Officer McMahan
17 located or positioned, if you could see?

18 A. Officer McMahan was in the backyard behind
19 him, behind the individual.

20 So the -- the round -- the less-lethal
21 round struck him. He had a slight reaction.

22 He turned and walked -- must have saw him
23 and walked directly with -- with purpose, with
24 intent -- that's how I would describe it --
25 towards him.

1 Q. About how far -- sorry, sir.

2 About how far away were you from him, if
3 you remember?

4 A. So this is where things get -- it's tough
5 with the distances and the feet.

6 I would say from the -- from the
7 individual, how far was I from him?

8 Q. Yes.

9 A. From the individual?

10 Q. Yes.

11 A. I would say I was less than... sorry.

12 I would say I was probably around 20 feet
13 or so away from him, the individual.

14 And then from my advantage, Officer
15 McMahon, I thought was less than 10 feet away
16 from -- from him when he -- when he turned and
17 started walking in his direction.

18 Q. Was there anything obstructing your view of
19 the situation?

20 A. No, not that I can recall.

21 Q. What is your concern in that moment?

22 A. My concern is for Officer McMahon's safety.
23 There is an individual walking directly towards
24 him with a knife.

25 So at that point I start kind of advancing

1 forward, and I raise my firearm to -- because I
2 kind of saw where this was going, and I -- I
3 wanted to make sure I was in a position that I
4 could -- that I could act.

5 Q. When Officer McMahon was positioned where he
6 was, what was behind him?

7 A. I know -- I know I saw a fence behind him;
8 I -- I couldn't tell you exactly how far it
9 was.

10 So there was -- Officer McMahon was facing
11 the individual as he was walking towards him, and
12 I saw the fence behind him and that -- that's
13 what I can -- I can recall.

14 Q. Do you recall if Officer McMahon was
15 remaining stationary or if he was moving?

16 A. No. He was taking steps backwards. And I --
17 I clearly remember him saying, Stop. I don't
18 want to do this. He said it at least twice. I
19 don't want to do this. Don't -- don't make me do
20 this is what I know he said --

21 Q. Did you have --

22 A. -- once or twice.

23 Q. -- his firearm out?

24 A. He did have his firearm out.

25 Q. When he was saying, Don't make me do this,

1 or, I don't want to do this, what was the tone of
2 his voice like?

3 A. I mean, it was -- the tone of his voice was
4 calm but direct. You know, it wasn't screaming.
5 I don't want to do this. Don't do it. Don't --
6 stop. It was calm, but it was direct.

7 It wasn't an uncontrollable scream, um.

8 Q. Loud enough so the individual would have
9 heard him?

10 A. Yes.

11 I heard it.

12 Q. What happened next?

13 A. The individual did not stop; did not
14 hesitate; did not pause, continued directly
15 towards Officer McMahon.

16 At that point Officer McMahon discharged
17 his firearm.

18 Q. Do you remember if you see or -- if you saw
19 or heard how many shots?

20 A. I thought it was a minimum three, at max
21 five; but it's tough at that moment to -- to say.

22 Q. What happened after the shots were fired?

23 A. So I'm pretty close at that point, because
24 I -- I kind of saw where the situation was
25 going.

1 And so I see the individual fall to the
2 ground.

3 I have -- again, I had my firearm out,
4 and I was close enough that I could see Officer
5 McMahon's -- his -- his appearance.

6 And I -- I looked down at the individual
7 and -- and I thought -- and I knew there was
8 other officers to provide aid.

9 I saw Officer McMahon. I could visibly
10 see him shaken up -- wide eyes, breathing heavy.
11 He looked like he was in shock.

12 So what I did was as I looked down again,
13 as I passed the individual, I holstered up, and I
14 went straight to Officer McMahon to provide
15 support and -- and then -- and to get him out of
16 there.

17 Q. What did that support include?

18 A. I grabbed him. I just remember grabbing him.
19 And said, Look at me. Look at me. I said,
20 You're good. You're good. You are going to be
21 good.

22 And it was just kind of -- those kind of
23 comforting words.

24 And I kind of, like, grabbed him and
25 someone said -- someone yelled, get him out of

1 here. And then that's when I just took him out
2 and stayed with him for -- up until then an
3 ambulance came and a deputy was there and went
4 off with him.

5 Q. And Officer McMahon went to get checked out
6 at the hospital?

7 A. That's correct.

8 Q. After the incident occurred, did you agree to
9 do a recorded interview with the State Police?

10 A. Yes, I did.

11 Q. Was that something that was voluntary on your
12 part?

13 A. Yes, it was.

14 Q. Did you, in the course of that recorded
15 interview, draw a diagram of the positioning as
16 you recalled it?

17 A. Yes, I did.

18 MS. SPIROS: May I approach, your Honor?

19 THE COURT: You may.

20 BY MS. SPIROS:

21 Q. I am just going to show you what appears to
22 be a handwritten diagram.

23 Are you familiar with it?

24 A. I am.

25 Q. Is it yours?

1 A. This is mine.

2 Q. Okay. And is there a specific indication for
3 location of -- of the parties that we've been
4 talking about?

5 A. Do you want me to just show you here?

6 Q. If you could just tell us who's depicted
7 and -- and at what point in time it is.

8 A. Oh, okay.

9 So the officers I have depicted is Officer
10 Colbert, myself, Officer Colbert is to the left
11 of the car.

12 I am to the front of -- of the vehicle to
13 the right.

14 Officer McMahon is in the back -- in the
15 backyard.

16 And then the individual is also in
17 the -- in the backyard.

18 And at this point this is -- I believe
19 I -- I drew this when the shots were fired.

20 Q. And so is there a distance indicated as to
21 where you were from the -- the individual in
22 question?

23 A. I have 15 to 20 feet from myself to the
24 individual.

25 Q. And from the individual to Officer McMahon?

1 A. I have five to seven -- it looks like seven
2 feet. Five to seven feet.

3 MS. SPIROS: Thank you. I'd offer this
4 as the next exhibit.

5 THE COURT: All right. I believe we were
6 at 31, 31.

7 (Exhibit No. 31, Handwritten diagram,
8 received into evidence.)

9 MS. SPIROS: If I may have a moment, your
10 Honor.

11 THE COURT: Sure.

12 MS. SPIROS: Thank you.

13 Nothing further, your Honor.

14 THE COURT: All right. Thank you.

15 Attorney Anderson.

16 MR. ANDERSON: Just a couple questions.

17 EXAMINATION

18 BY MR. ANDERSON:

19 Q. Officer Maziarz, you've been with the
20 Cambridge Police for seven years you said?

21 A. That's correct.

22 Q. And what academy did you attend?

23 A. I attended the Lowell Police Academy. 2016.

24 Q. And who was your use-of-force instructor?

25 A. Chucky DiChiarra.

1 Q. Now, let me kind of fast forward to after you
2 are down at Waverly Street; you are coming down
3 Chestnut Street.

4 You indicated at one point you got within
5 about a house length, I think, was your
6 description of distance?

7 A. Correct.

8 Q. And you said that was about 20 yards?

9 A. That's what I would estimate.

10 If -- yeah. Yeah, I would say about
11 20 yards or less.

12 Q. Okay.

13 A. Yeah.

14 Q. Now, from -- from your academy training, do
15 you remember something called the 21-foot rule?

16 A. I do, yes.

17 Q. And what do you recall about that?

18 A. So the 21-foot rule was used -- it's still
19 used as a standard -- it might have actually been
20 -- been increased -- as a standard of the
21 distance to keep when someone is armed with a
22 knife specifically, because 21 feet is supposed
23 to -- someone a lot smarter than myself -- is
24 supposed to -- sorry, someone determined that
25 21 feet is supposed to give you enough

1 reactionary time to respond if this individual
2 decides to charge at you with a knife.

3 Q. Okay. And -- and as you were shadowing this
4 individual, you and the other officers, up around
5 Waverly Street and then down Chestnut Street, was
6 there a distance or a perimeter is that you kept
7 from that individual?

8 A. Yeah.

9 Like I said, I tried to make sure -- you
10 know, we were -- we were in a jog, you know, on
11 Chestnut Street.

12 And any time he stopped, I tried to make
13 sure I was at least -- at least 15 yards away,
14 which is more than 21 feet, to keep that
15 distance.

16 And we had some -- you know there were
17 some vehicles on the -- just to give ourselves
18 distance to be safe.

19 Q. And during that time, was there ever a period
20 where there weren't verbal commands being given,
21 or was this a constant, Stop, we want to talk to
22 you; we want to get you help, ongoing
23 conversation?

24 A. I mean, it was -- throughout the duration of
25 the pursuit. But there were periods where the

1 commands would -- would stop for a period of --
2 you know, a short period of time.

3 For instance, like I think when we were
4 running, I could be -- but couldn't say exactly,
5 but when we were running, commands might have
6 stopped.

7 And then when the individual stopped and
8 turned around at us, commands would -- would
9 begin again.

10 Q. Okay. Now, when you got down to 59 Chestnut,
11 you indicated that there were two officers who
12 went around to the left of the house; you thought
13 to go around to the right, hopefully keep this
14 contained --

15 A. Correct.

16 Q. -- in there and kind of flank him.

17 I mean, that was your thought process?

18 A. That is correct. Yes.

19 Q. And you were present when the less lethal was
20 deployed?

21 A. I was present.

22 Q. And prior to that time, did you see
23 Officer McMahon kind of come into your view?

24 A. I did.

25 Before the less lethal was -- was fired,

1 Officer McMahon came towards -- we saw -- I could
2 see him in the rear of the yard, and I -- I
3 remember myself and others telling him to kind of
4 move over, because we had our firearms out
5 because, along with the less lethal, you also
6 need to have a cover person, at least one, with a
7 lethal device in their hand, which -- a firearm.

8 So we didn't want to exchange any type of
9 crossfire.

10 So I remember myself -- and I think, I
11 believe, others told him to kind of get out of --
12 get out of the view.

13 Q. Okay. And it was at that point that you
14 realized that Officer McMahon was one of the two
15 who had gone into the backyard?

16 A. Yes.

17 Q. And then you indicated that after the less
18 lethal was deployed unsuccessfully that this
19 individual began to walk with a purpose towards
20 Officer McMahon?

21 A. That is correct.

22 Q. And there was a fence behind Officer McMahon?

23 A. Yes.

24 Q. And you were within 15 to 20 feet and this
25 individual was within 10 feet going towards

1 McMahan as McMahan walked backwards?

2 A. That is -- that is from -- correct, that is
3 from what I recall, yes.

4 Q. And -- and if you were in Officer McMahan's
5 shoes, what would you have done at that point?

6 A. At that point, I would have done the same --
7 the same thing for -- at that point you are --
8 you -- you don't have space. You don't have
9 time. Someone's coming at you with a very large
10 machete-style knife.

11 I would discharge my weapon.

12 MR. ANDERSON: Okay. I have -- I have no
13 further questions.

14 THE COURT: All right. Thank you.

15 Attorney Kazarosian.

16 MS. KAZAROSIAN: Thank you, your Honor.

17 EXAMINATION

18 BY MS. KAZAROSIAN:

19 Q. Good afternoon, Officer Maziarz.

20 I am Marcia Kazarosian, and I represent
21 the family of Mr. Faisal?

22 A. Hello.

23 Q. You talked about the 21-foot rule.

24 You -- you said you had ICAT training,
25 correct?

1 A. Yes, I have.

2 Q. And, as part of that training, you recall
3 that ICAT calls the 21-foot an outdated concept?

4 A. Um, it's possible they call it an outdated
5 concept.

6 Q. But you don't -- you don't have any specific
7 memory in that?

8 A. I can't say for sure.

9 Q. And you had also said that you were trained
10 by Officer DiChiarra, Chuck DiChiarra?

11 A. In the Lowell Police Academy, correct.

12 Q. In Lowell. Okay.

13 And how long ago was that?

14 A. 2016.

15 Q. And are you also familiar with the training
16 that Officer DiChiarra does that suggests that
17 that's not really a rule; that it's 35 years old,
18 and it doesn't have any legal basis?

19 Have you ever been trained in that?

20 Has he ever trained you in that regard or
21 just trained you in the 21-foot rule that you
22 remember?

23 A. What I remember is the 21-foot rule is just
24 given as a -- as a general guide for your safety.

25 I don't -- it's not a -- yeah, that's what

1 I can recall.

2 Q. Okay. And then no one's ever said that's old
3 school or that's an outdated concept that you
4 recall?

5 A. That I explicitly -- explicitly recall, no.

6 Q. Okay. Now, going back to when you first got
7 the call -- and I'm not sure you testified to it
8 here but do you recall giving -- writing your
9 police report where you explained what happened;
10 it was, I think, on the 5th or the 4th, on the
11 same day?

12 A. I never wrote a police report.

13 I just gave the verbal testimony.

14 Q. Okay. So you never -- you never wrote any
15 kind of a police report?

16 A. I -- you know what, later I was asked to
17 right a use-of-force report, which is different
18 than -- different than the general incident
19 report.

20 Use of force is just -- a use-of-force
21 report is just how I used force and that was
22 raising a firearm is considered use of force.

23 Q. So do you -- you don't recall on January 4th
24 writing a supplement narrative about what had
25 occurred?

1 A. Oh, gosh. I gave a verbal interview.

2 Did I write a supplemental along with that
3 about the whole incident?

4 I honestly can't recall. I didn't think I
5 did. I remember them saying I would have to, and
6 then they told me I didn't.

7 MS. KAZAROSIAN: Your Honor, could I show
8 him something to refresh his memory?

9 THE COURT: Sure. Sure.

10 MS. KAZAROSIAN: But I am going to tell
11 you that it's highlighted in my stuff, so is that
12 going to be a problem?

13 MR. ANDERSON: Do you want to --

14 THE COURT: Yeah.

15 MS. KAZAROSIAN: Do you have it? Yeah.

16 THE COURT: Yeah. Let's have a clean
17 copy.

18 MS. KAZAROSIAN: Do you have a clean one?

19 MS. SPIROS: I have it.

20 MS. KAZAROSIAN: (Indiscernible.)

21 MR. ANDERSON: What?

22 MS. SPIROS: Let me see if I could -- I
23 have his report right here.

24 MS. KAZAROSIAN: Oh, okay.

25 MS. SPIROS: It's a -- it's a

1 use-of-force report.

2 MS. KAZAROSIAN: Okay.

3 THE WITNESS: Is it -- sorry, is it the
4 use of force report, because we -- we distinguish
5 them differently, the use-of-force report versus
6 the general incident report.

7 BY MS. KAZAROSIAN:

8 Q. Well, I can show it to you and you can
9 explain what it is, if you'd like.

10 A. Okay.

11 (Discussion held off the record.)

12 MS. SPIROS: It's the same report. It's
13 just copied twice.

14 MS. KAZAROSIAN: Okay.

15 MS. SPIROS: So this one's the use of
16 force.

17 MS. KAZAROSIAN: That's the same one?

18 MS. SPIROS: And that's the supplement.
19 But they are the same report copied twice.

20 MS. KAZAROSIAN: Can I approach, your
21 Honor?

22 THE COURT: Sure.

23 MS. KAZAROSIAN: And I believe these are
24 already part of the --

25 THE COURT: Yep. They are in the

1 exhibits.

2 MS. KAZAROSIAN: I don't know which -- I
3 think it's discovery notice --

4 MS. SPIROS: One.

5 MS. KAZAROSIAN: -- one.

6 MS. SPIROS: Um-hum.

7 BY MS. KAZAROSIAN:

8 Q. I am referring to these two reports -- oops,
9 sorry.

10 And one says supplement. I believe this
11 is the one that says supplement. And one says
12 use of force.

13 A. All right. Yes, what would you like me to
14 look at?

15 Q. Do you recall writing this? That's the
16 supplement. This is the use of force.

17 And I'm -- my understanding, I think it's
18 correct, that they are both pretty much -- they
19 are a little different but primarily the same.

20 A. Sorry.

21 Q. That's okay.

22 MS. SPIROS: Your Honor, if I may suggest
23 bringing the witness's attention to a particular
24 portion of the report?

25 THE WITNESS: Yeah.

1 MS. KAZAROSIAN: I'm -- I'm just asking
2 if he recalls doing -- writing the report at this
3 time.

4 A. Yes. I --

5 Q. Okay.

6 A. Sorry, there was a lot that was going on in
7 this time.

8 Q. No. No. I understand. Okay.

9 A. I'm just trying to -- yes, I recall writing
10 -- this is the -- I recall writing this report.
11 Correct.

12 Q. Okay. And if you want to look at the report
13 for a minute, do you recall that when you got the
14 call initially, it was for a report of a male
15 with a machete attempting to cause harm to
16 himself?

17 A. Yes.

18 I remember dispatch saying --

19 Q. Okay.

20 A. -- it looked like he was -- I didn't say -- I
21 don't know if I wrote "cause harm to himself."

22 Q. Well, I show you the first sentence of your
23 report.

24 A. Okay. "Cause harm to himself," yeah.

25 Q. Cause harm. Okay.

1 A. So I said that in the report. Correct.

2 Q. All right. Okay. Thank you.

3 So when you heard that report, did you
4 have -- did you come to any kind of a
5 determination whether or not this was a mental
6 health call -- mental -- someone in a mental
7 health crisis?

8 A. Initially, no.

9 It's not wise to go into calls with a
10 predetermined expectation, in my opinion.

11 In the seven years that I've been on --
12 it's not wise to go in with a pre-determined
13 expectation.

14 Q. But it would assist you in how to respond to
15 the call, though, is that a safe statement?

16 A. (No audible response.)

17 Q. If you were to -- if you had heard that
18 someone was trying to cut themselves with a
19 knife --

20 A. Yes.

21 Would --

22 Q. -- would that -- would making a determination
23 about their mental state prepare you better for
24 responding to that call?

25 A. Ah, I'm not -- if I hear a knife and if the

1 individual -- a large knife is trying to harm
2 themselves, I'll respond that -- I'll respond to
3 that -- and they are out in public, I would
4 respond to that very similarly I would if I just
5 got a call that an individual was out with a
6 knife in public.

7 Q. Okay. And did you hear the dispatch calls as
8 they were coming through? There.

9 Wasn't just one of them, correct?

10 Were there numbers of calls coming
11 through?

12 A. I'm sure there were.

13 Q. Do you remember them saying it's a psych call
14 or a suicide call?

15 Do you remember hearing that on the calls?

16 A. I can't say I -- I recall hearing that term.

17 Q. Okay. Um, and did you make any calls to a
18 mental health professional at any time during
19 this time you were following him or at any point
20 in time?

21 A. I didn't, no.

22 Q. And did you hear anyone else make any calls
23 to a mental health professional?

24 A. I can't -- I can't recall. Maybe a
25 professional, ambulance, they probably already

1 had them coming.

2 Q. But prior to the shooting, I'm talking about?

3 A. During what time?

4 There was a -- 12 minutes, I think.

5 So at what point are we -- when I arrived?

6 Just before the shooting.

7 Q. At any point prior to the shooting, did you
8 hear anyone request by radio call or any other
9 method a mental health professional?

10 A. I don't -- I don't recall that, no.

11 Q. Okay. And who -- were you updating -- you
12 talked about somebody updating dispatch.

13 Was that you or was that Pugliares?

14 A. That was Pugliares.

15 Q. Okay. Now, you had said you had used the
16 barrier -- the car as a barrier when you were in
17 the driveway, correct?

18 A. Correct.

19 Q. And you could see Mr. Faisal in the
20 backyard --

21 A. Correct.

22 Q. -- from your position?

23 A. Correct.

24 Q. And you were in the front of the car?

25 A. I'm right at the -- either in front or right