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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

DISTRICT COURT DEPARTMENT
OF THE TRIAL COURT

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

RE: INQUEST
(ENTIRE TRANSCRIPT IMPOUNDED)
DAY 2
BEFORE THE HONORABLE JOHN F. COFFEY

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Courtroom 6
May 23, 2023

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P R O C E E D I N G S

(Court called to order.)

(9:50 a.m.)

THE COURT OFFICER: Court's in session.

MR. ANDERSON: If I could just grab my client.

THE COURT: Sure.

MS. SPIROS: He's right outside the door.

THE CLERK: This is the session of the Cambridge District Court.

Today's date is May 23, 2023.

The Honorable John Coffey is presiding in the matter of Sayid Arif Faisal, Docket No. 2352IN1.

THE COURT: Okay. Good morning, everyone.

MS. SPIROS: Good morning, your Honor.

(ALL IN UNISON): Good morning, your Honor.

THE COURT: Just for purposes of the record, there's no one in this courtroom that wasn't in this courtroom yesterday, so I think we're all good there.

MS. SPIROS: Thank you.

THE COURT: And I just want to put on the

1 record that this morning, prior to opening the
2 court (inaudible), we had a view over at 59
3 Putnam Street.

4 There was a recorder that picked up some
5 things, but just on the -- just an abundance of
6 caution, I'm going to ask if any of the lawyers
7 want to put anything on the record that we looked
8 at on the view.

9 I'll hear from you, Attorney Spiros.

10 Is there anything you want to put on?

11 MS. SPIROS: Judge, just note that the
12 address was 59 Chestnut Street where we went to.

13 THE COURT: Oh, excuse me, I put Putnam,
14 I'm sorry.

15 MS. SPIROS: Nope.

16 And I believe that we looked at the
17 exterior front of the house, the driveway to the
18 left at 65 Chestnut, the house; side of the house
19 on the right, 55 Chestnut, the width and distance
20 of the driveway into the backyard, and then the
21 entirety of the backyard, including the height of
22 the fences.

23 And at the time I noted that the location
24 of the daycare that was behind the backyard and
25 noted that we could hear children's voices. And

1 that was it.

2 THE COURT: All right. Thank you,
3 counsel.

4 Attorney -- I'll just go --

5 MS. KAZAROSIAN: (Inaudible), yup.

6 THE COURT: -- in the same order that I
7 went yesterday.

8 MS. KAZAROSIAN: Sure.

9 THE COURT: Attorney Anderson?

10 MR. ANDERSON: Yeah, and I'm simply --
11 not that you (indiscernible) notice, but just for
12 the record, and when this does become public, I'd
13 just point out that looking from the driveway
14 back, kind of -- it seems much tighter in my view
15 than it did in the pictures, that the fence on
16 the right-hand side has been simply lower to the
17 fence in the back and that the ground, although
18 mostly level, is -- is somewhat uneven, and there
19 are roots from various trees out there making
20 uneven, particularly if you're walking backwards.

21 THE COURT: All right. And, attorney
22 Kazarosian?

23 MS. KAZAROSIAN: Yes, your Honor.

24 Thank you.

25 I would also like to note that even

1 though we did view the area, nobody took
2 measurements for width or distance or height.

3 THE COURT: Yeah.

4 MS. KAZAROSIAN: I would note also that
5 the area of the ground and the growth is probably
6 much different now than it was in January, and
7 that, addressing also the tightness of the
8 backyard, I think the backyard is a lot larger
9 than it's -- it shows in the photos.

10 THE COURT: All right. Okay.

11 And I'll just put on that I think that's
12 one of the reasons where I really wanted to, you
13 know, see 59 Chestnut Street, because the photos,
14 and -- as well as the video -- sometimes can
15 distort the actual dimensions of what you're
16 seeing.

17 And I think it was very helpful for the
18 Court taking that view this morning, okay?

19 All right.

20 With that being said, Attorney Spiros,
21 you want to -- oh, sure.

22 MS. KAZAROSIAN: Before we start, I would
23 like to note for the Court that we are not going
24 to have a Bengali interpreter here today.

25 THE COURT: Oh, right.

1 MS. KAZAROSIAN: But we will have
2 Mr. (indiscernible)'s sister and brother here to
3 help.

4 THE COURT: Sure.

5 MS. KAZAROSIAN: His sister will be
6 leaving probably around two, but there will be
7 someone here.

8 THE COURT: Yeah.

9 MS. KAZAROSIAN: And he feels comfortable
10 with them.

11 THE COURT: All right. All right. Thank
12 you, Attorney Kazarosian.

13 Attorney Spiros?

14 MS. SPIROS: Yes.

15 The Commonwealth calls Deputy John Boyle.

16 THE COURT OFFICER: Deputy Boyle.

17 THE CLERK: Good morning.

18 THE WITNESS: Good morning.

19 THE CLERK: Would you raise your right
20 hand, please?

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

24 THE WITNESS: I do.

25 THE CLERK: Thank you very much.

1 JOHN BOYLE, SWORN

2 THE COURT: Good morning, Deputy.

3 THE WITNESS: Good morning, sir.

4 THE COURT: And, once you get settled, I
5 just want to -- as you probably know, there's a
6 sequestration order.

7 On top of that, because of the nature of
8 these proceedings, it's a closed hearing.

9 THE WITNESS: Yes, sir.

10 THE COURT: It may not become public for
11 several days, if not weeks.

12 THE WITNESS: Sure.

13 THE COURT: So during the course, while
14 this is not -- until this becomes public, I'm
15 just going to ask you not to discuss your
16 testimony with anybody else, including other
17 officers.

18 Of course, if you have an attorney or
19 anything, a counsel, you can certainly share
20 your testimony with them, but other than that --
21 okay?

22 THE WITNESS: Sure.

23 THE COURT: All right. Thank you.

24 Attorney Spiros.

25 MS. SPIROS: Thank you.

EXAMINATION

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BY MS. SPIROS:

Q. Good morning, sir.

A. Good morning.

Q. Could you please introduce yourself to the Court, spelling both your first and last name for the record.

A. Sure.

Deputy Superintendent John Boyle. That's J-O-H-N, B-O-Y-L-E.

Q. And you said deputy superintendent, for what agency?

A. The Cambridge Police Department.

Q. And how long have you been with the City of Cambridge Police Department?

A. I've been with Cambridge for a little over 20 years.

Q. And did you have any law enforcement experience prior to that?

A. I did, yes.

Q. Where was that?

A. About five years with the Arlington Police Department.

Q. And any military experience outside of that?

A. No military experience.

1 Q. Can you talk -- tell the Court a little bit
2 about what it is that you do as a deputy
3 superintendent?

4 A. Sure.

5 So I command night patrol operations for
6 the Cambridge Police Department.

7 I also oversee tactical operations, which
8 includes our special response team, tactical
9 patrol force, crisis negotiators, and explosive
10 ordinance division.

11 Q. On a day-to-day basis are you located out of
12 the station, or do you routinely patrol?

13 A. For the most part, I'm assigned to the
14 station.

15 I have a lot of administrative duties that
16 take my time into the station.

17 Q. And, generally speaking, or estimate-wise, if
18 you can, how many people are under your command?

19 A. Generally, on a shift you would have 18 to 24
20 patrol officers and then you would add in any
21 night traffic officers, family and social justice
22 patrol officers, as well as any detectives.

23 So, during the nighttime, deputy
24 superintendent's probably going to be the highest
25 ranking officer in the city.

1 Q. And, in terms of your training in your role
2 for Cambridge, have you undergone training as it
3 regards de-escalation techniques?

4 A. Yes, I have.

5 Q. Have you also undergone training as it
6 regards to responding to mental health calls?

7 A. Yes, I have.

8 Q. And how about being trained on the proper
9 and -- use of force?

10 A. I have, yes.

11 Q. Are you, sir, familiar with the policies of
12 the Cambridge Police Department?

13 A. I am.

14 Q. I want to draw your attention now to
15 January 4th of 2023.

16 A. Yes.

17 Q. You mentioned that you're the night patrol
18 commander.

19 Were you working on a different shift that
20 day?

21 A. I was.

22 At the time, I was also overseeing the day
23 shift, which is our first platoon, as well as the
24 traffic enforcement unit, and our dignitary
25 protection unit as well.

1 So I would work mostly days and into some
2 of the night.

3 Q. And, on that particular day, did you hear a
4 call that caught your attention?

5 A. I did.

6 Q. What were you doing at the time?

7 A. I was driving on Mass. Avenue, the
8 intersection of Mass. Ave. and Sidney Street.

9 Q. So you were working at the time?

10 A. Yes, correct.

11 Q. And, when you were working, were you wearing
12 a uniform?

13 A. I was.

14 Q. How about the car that you were driving, was
15 it marked?

16 A. I have an unmarked cruiser assigned to me,
17 but it has a full light package.

18 Q. And so when you heard the call, can you tell
19 the Court what it is that you heard?

20 A. Yes.

21 Like I said, I was on Mass. Ave. and
22 Sidney Street.

23 It's a big intersection. I heard
24 Officer Pugliares broadcast that he was chasing
25 somebody that was wearing gray sweatpants,

1 covered in blood and carrying a machete.

2 Q. Now, did you hear, or are you aware, that
3 there were dispatches earlier than that?

4 A. I did not hear the earlier dispatch. This is
5 the first I became aware of this call.

6 Q. Understood.

7 And so, as a result of hearing that, what
8 is it that you did?

9 A. I immediately responded.

10 This is the -- close to the Fort
11 Washington area, because Officer Pugliares stated
12 that he was chasing them down the track --
13 chasing this individual down the tracks.

14 The tracks are the -- run adjacent to the
15 Fort Washington area, so I immediately responded
16 to that area.

17 I eventually ended up at the intersection
18 of Waverly and Chestnut Street.

19 Q. When you say the "Fort Washington area," what
20 are you referring to?

21 A. I'm referring to the lower half of the city,
22 Sidney Street, end of Putnam Ave.

23 There's some industrial buildings there;
24 there's some parking lots, construction sites.
25 It's on the back side of the campus of MIT.

1 Q. And so when you responded, about how long did
2 it take you to get there, if you know?

3 A. I had blue lights and sirens, so minute,
4 minute and a half maybe.

5 Q. What happened when you got there?

6 A. When I arrived on Waverly Street, I observed
7 some of our officers from a distance.

8 I then observed them make a right turn
9 onto Chestnut Street, drove my cruiser down
10 Waverly Street, and made a right turn onto
11 Chestnut Street.

12 Q. And you said you observed the officers. What
13 were they doing when you observed them?

14 A. When I first observed them, I couldn't tell.

15 I just -- you know, I could tell that they
16 were police officers because of their uniforms.

17 Q. And what happened when you turned onto
18 Chestnut?

19 A. When I turned onto Chestnut, the officers,
20 as well as the individuals -- the individual
21 that Officer Pugliares had described -- had come
22 to a stop just in from the street a couple houses
23 in.

24 The officers were trying to speak to the
25 individual with the machete.

1 I was still in my cruiser at this point --
2 I had the windows down -- but I could hear the
3 officers yelling at the individual to drop the
4 knife.

5 Q. Could you hear them say that once or more
6 than once?

7 A. More than once.

8 Q. And other than, Drop the knife, were there
9 any other commands you could hear?

10 A. I can't recall at this time.

11 Q. So at this point you're still in your
12 cruiser, and you're looking into the driveway
13 area of the home?

14 A. No. This is before we got to the home.

15 This is on the city sidewalk.

16 Q. Understood.

17 What happened next, sir?

18 A. The individual with the knife -- with the
19 machete -- did not listen to the officers and
20 took off running down the sidewalk, you know, and
21 so I sped up ahead of him to hopefully cut him
22 off.

23 As I was driving up the street, I heard
24 one of the officers broadcast that he had run
25 into a backyard.

1 Q. And in terms of, you said, a person with a
2 machete.

3 Can you describe any further what you saw
4 in regards to the knife at that point?

5 A. Yes.

6 It had blood on it, it had a blade about
7 this big with a black handle, and it was curved.

8 Q. And before the call came that he -- the radio
9 communication came that he went into the
10 backyard, you mentioned that they had been
11 stopped on the city sidewalk.

12 Could you describe a little bit the
13 distance the officers had from the individual at
14 that point?

15 A. Yeah.

16 They were probably 10 to 15 feet back from
17 the individual. Probably 15 feet -- 10, 15 feet.

18 Q. Did that make sense, given your training and
19 experience --

20 A. Sure.

21 Q. -- with a person with a bladed weapon?

22 A. Sure.

23 Q. And what happened at that point, sir?

24 A. At that point, like I said, the individual
25 took off running; I sped ahead, someone broadcast

1 that the individual had run into a backyard.

2 I immediately stopped my cruiser, shut it
3 off, locked it up, jumped out to see, you know,
4 where they had gone, and saw the officers running
5 into a driveway on the right-hand side of the
6 road that ultimately ended up being identified as
7 59 Chestnut Street.

8 Q. And so what did you do?

9 A. When I arrived there, the previously
10 described individual was standing in front of a
11 motor vehicle that was parked nose in in the
12 driveway. I believe it was a red sedan.

13 On the right side, or the passenger side
14 of this vehicle, was Sergeant Sennott, Officer
15 Marziarz, and Officer Pugliares.

16 On the driver's side in the trunk area,
17 you know, behind the -- on the back side of the
18 vehicle was Officer Colbert.

19 Officer Colbert had the department-issued
20 less-lethal 40mm launcher.

21 There was nobody behind him; and, per
22 policy, when you deploy that weapons system, you
23 need to have lethal cover, so I took up the
24 position of lethal cover behind Officer Colbert.

25 Q. And so, physically, how close were you to

1 Officer Colbert at the time?

2 A. Right behind him.

3 I had my -- I was able to put my -- in a
4 tactical position, I was stacked behind him with
5 my left hand on his upper back.

6 Q. And let's just go back, if we can, to the
7 individual that you had seen earlier that was the
8 subject of the call.

9 Did you recognize this person?

10 A. No.

11 Q. And you mentioned that he was at the front of
12 the car with his nose in?

13 A. Yes.

14 Q. Could you further describe the location of
15 where he was in regards to the house and the
16 backyard grassy area?

17 A. Sure.

18 Like I said, he was in front of the car.

19 I want to say there may have been a mulch
20 pile or something else at the front of the car.

21 Behind him was a backyard. I believe
22 there was some type of tree or shrubbery to
23 the -- to his right; my left, protruding out from
24 the house.

25 Q. Um-hum. And so at that point, you took --

1 you assumed that position that you just described
2 behind Officer Colbert.

3 What did you -- what happened next?

4 A. Officers shouted for the individual to drop
5 the knife.

6 As we were doing this, the individual had
7 changed his position. He had moved more to his
8 right, our left.

9 This allowed Officer Colbert a clear shot
10 with the 40mm and Officer Colbert shouted out a
11 few times, less-lethal, less-lethal, less-lethal,
12 as described -- regulated by our policy.

13 And at that point Officer Colbert fired
14 one shot from the less-lethal 40mm.

15 Q. Did you see whether it hit anything?

16 A. It struck the individual in either the thigh
17 or the buttocks; somewhere in the lower
18 extremities.

19 Q. And what was the position of the individual,
20 if you remember, when he was struck?

21 Was he facing front on or was he turned?

22 A. (No audible response.)

23 Q. If you know.

24 A. For the most part, straight on.

25 He may have turned when we -- you know, as

1 a reaction may have turned, but I can't say for
2 certain.

3 Q. When the less-lethal round struck the
4 individual, what, if anything, did you observe
5 about his reaction or demeanor?

6 A. He had no reaction to it. He -- he just
7 smiled, turned, and ran away.

8 Q. And just prior to -- how long do you think
9 you might have been on the scene when you first
10 got there observing the individual?

11 Seconds? A minute?

12 A. A few minutes. Like I said, when I first
13 pulled up, that interaction before we got to
14 59 Chestnut Street was only a few seconds, and
15 then once I alighted from my cruiser and got to
16 the driveway, I observed him for only a few
17 seconds.

18 Q. Um --

19 A. Maybe a minute.

20 Q. And when Officer Colbert fired the
21 less-lethal round, where was the knife, or the
22 machete?

23 A. In his hand, up to his throat.

24 Q. And you said he turned and ran towards the
25 backyard area?

1 A. Yes, ma'am.

2 Q. Where was the knife when he did that?

3 A. In his hand.

4 Q. What happened next?

5 A. He ran into the backyard.

6 I was -- like I said, I was behind Officer
7 Colbert, and I was trying to push him down,
8 telling him, We need to get down range, we need
9 to get down range. Liam's in the backyard by
10 himself.

11 As I was doing that, I heard approximately
12 three to five gunshots fired.

13 Q. So let's go back a moment.

14 You said, Liam's in the backyard by
15 himself.

16 How did you know that?

17 A. Because when I was stacked behind Officer
18 Colbert, I could see Liam's head poking out from
19 behind the house, or the shrubbery.

20 I yelled at him a couple times to get
21 back, because we had the less-lethal, and, you
22 know, once he -- he was out of our view, that was
23 almost when the individual that I described had
24 moved to his right, which allowed for a clear
25 shot.

1 Q. And when you say "Liam," what's --

2 A. Officer McMahon. Sorry.

3 Q. And so you indicated that you heard three to
4 five shots.

5 Did you see the actual shots fired?

6 A. No, I did not.

7 Q. At that point, what were you focused on?

8 A. Just prior to the shots, like I said, I was
9 stacked behind Officer Colbert.

10 I wanted to get down range because I knew
11 there was an officer in the backyard by himself
12 and there was an armed subject running back
13 there.

14 Officer Colbert was the only one with a
15 less-lethal 40mm, so I wanted to get that tool
16 into the backyard as fast as possible.

17 It's only a one-shot weapons system, so
18 Officer Colbert was in the process of trying to
19 reload that and run to the backyard when the
20 shots rang out.

21 Q. When you say "down range," what do you mean?

22 A. Further ahead.

23 Q. What is your concern in that moment?

24 When you want to get Officer Colbert down
25 range closer with the less-lethal, what is your

1 concern at that moment?

2 A. The safety of the officer in the backyard.

3 Q. And can you tell us why you had that concern?

4 A. We had an armed individual who was covered in
5 blood. He wasn't listening to any commands.

6 At the time I thought he was -- Officer
7 McMahon was by himself in the backyard, and I
8 wanted to be able to defend Officer McMahon.

9 Q. What happened next, sir?

10 A. Like I said, I heard the three to five
11 gunshots.

12 At that point I moved around Officer
13 Colbert and sprinted into the backyard.

14 Q. And when you did that, what did you see?
15 What happened next?

16 A. I saw Officer McMahon at the back of the
17 backyard where the fence is, and I saw the
18 previously described individual lying on the
19 ground.

20 Q. You said back where the fence is.

21 How close was he to the fence when you got
22 there -- Officer McMahon?

23 A. Three to five feet maybe, just a couple of
24 feet.

25 Q. Is there a fence on the other side as well?

1 A. Behind the -- that homeowner's fence?

2 Q. Yes.

3 A. I --

4 Q. I'm sorry, to the left and the right of
5 Officer McMahon.

6 A. To the right, I believe there was a fence.

7 To the left was the neighbor's yard, and I
8 don't -- I can't recall if there's a fence in
9 between the two yards.

10 Q. And so now you're in the backyard.

11 A. Yes.

12 Q. And now you've seen Officer McMahon and the
13 individual's down.

14 A. Yes.

15 Q. And what -- what are you focused on next?

16 A. The safety of Officer McMahon.

17 Went over to him; asked him if he was all
18 right, took a hold of him.

19 And at some point I had called out that we
20 had shots fired; we needed an ambulance.

21 Brought Officer McMahon out to the street
22 to get him away from the scene and assess his
23 physical well-being.

24 I also, out on the street as I was calling
25 in additional police resources, retrieved a

1 medical kit from my cruiser.

2 I was the only one on-scene with a cruiser
3 and, therefore, had access to a medical kit; got
4 the medical kit and brought it to the backyard.
5 I handed that equipment off to the officers who
6 were rendering first aid to the individual on the
7 ground.

8 Q. Was Officer McMahon wearing a uniform?

9 A. He was.

10 Q. And when you approached him, where was the
11 firearm?

12 A. In his holster.

13 Q. So he had reholstered the firearm?

14 A. Yes, ma'am.

15 Q. Do you know what kind of gun it was?

16 A. Excuse me?

17 Q. Do you know what kind of wep -- firearm it
18 was?

19 A. Yes. It's a Sig Sauer 9mm,
20 department-issued.

21 Q. And is that -- that's the department-issued
22 one?

23 A. Yes, ma'am.

24 MS. SPIROS: One second.

25 IF I could have one moment, your Honor.

1 THE COURT: Sure.

2 MS. SPIROS: (Indiscernible.)

3 BY MS. SPIROS:

4 Q. Forgive me if I just asked you this, but I'm
5 going to ask again.

6 Officer McMahon was in full uniform,
7 correct?

8 A. Correct.

9 Q. And what does that include?

10 Describe what that would have been.

11 A. Sure.

12 It would be a standard police uniform, you
13 know, police pants, shirt, patch on either side
14 of the shirt, embroidered badge.

15 Officer McMahon also wears what's called
16 an outer vest carrier, so he wears his ballistic
17 vest on the outside, rather than under his shirt.

18 And. On that vest, it has his name, badge
19 number, and on the back, I believe it has
20 "police."

21 MS. SPIROS: May I approach?

22 THE COURT: You may.

23 BY MS. SPIROS:

24 Q. I'm going to show you a photograph.

25 Do you recognize it?

1 A. I do.

2 Q. What is it, sir?

3 A. That is a picture of Officer McMahon's outer
4 vest carrier.

5 MS. SPIROS: May I ask that this be
6 marked as the next exhibit?

7 THE COURT: Sure.

8 I believe we're on 33.

9 MS. SPIROS: Yes.

10 (Exhibit No. 33, Photograph, admitted
11 into evidence.)

12 MS. SPIROS: If I could have permission
13 to publish it as well, your Honor.

14 THE COURT: Sure.

15 BY MS. SPIROS:

16 Q. Deputy Boyle, can you see the monitor there?

17 A. I can.

18 Q. I just want to ask you a little bit about
19 what we're looking at specifically, so as I'm
20 pointing (inaudible), this would be the badge on
21 the right-hand side of the (inaudible)?

22 A. Correct.

23 Q. And then here, is this the radio, the
24 (inaudible) communication?

25 A. Yes.

1 Q. Over here, if you could tell us what is --
2 standard handcuffs here?

3 A. Correct.

4 Q. What is this one in the middle of -- in the
5 middle of the lower side on the left?

6 A. I believe that's his flashlight.

7 Q. And do you know what this is? A baton?

8 A. I believe that's his -- I'd have to see the
9 photograph closer. I have a tough angle here.

10 Q. I don't want you to guess.

11 A. So on the left hand or -- if I were wearing
12 the vest, on the right side is the handcuffs that
13 I identified.

14 Q. Do you mind showing the Judge as we go so he
15 could see?

16 THE WITNESS: The handcuffs?

17 THE COURT: Yup.

18 THE WITNESS: That's Officer McMahon's
19 department-issued
20 OC spray.

21 THE COURT: Okay.

22 THE WITNESS: Next to that is his
23 flashlight.

24 THE COURT: Okay.

25 THE WITNESS: Further down is two spare

1 ammunition magazines.

2 THE COURT: Okay.

3 THE WITNESS: Next to that is his
4 portable radio.

5 THE COURT: All right. Thank you.

6 MS. SPIROS: Thank you.

7 BY MS. SPIROS:

8 Q. And the firearm itself, was it holstered on
9 the waist area?

10 A. Yes. Correct.

11 MS. SPIROS: May I approach again?

12 THE COURT: You may.

13 BY MS. SPIROS:

14 Q. I'll show you a photograph.

15 A. Um-hum.

16 Q. Do you recognize it?

17 A. I do.

18 Q. And what is it?

19 A. That is a picture of our department-issued
20 Sig Sauer firearm.

21 Q. This is what everyone carries on the
22 department currently?

23 A. Yes, ma'am.

24 Q. And back in January as well?

25 A. Yes, ma'am.

1 MS. SPIROS: I'd offer this as the next
2 exhibit.

3 THE COURT: That will be Exhibit 34.

4 (Exhibit No. 34, Photograph, admitted
5 into evidence.)

6 MS. SPIROS: May I approach one more
7 time, your Honor?

8 THE COURT: Sure.

9 BY MS. SPIROS:

10 Q. I'm going to just show you a photograph and
11 ask you if you recognize what's in it.

12 A. Yes.

13 That would be a police duty belt on -- oh,
14 (inaudible).

15 Q. And what are we looking at on either side of
16 the circular belt?

17 A. So on the right-hand side is the previously
18 mentioned department-issued firearm, holstered in
19 the triple retention holster that's issued by the
20 Department.

21 On the left side is the plastic holster or
22 carrying case for what is called a PR-24, which
23 is the Department's baton.

24 Q. Thank you.

25 MS. SPIROS: I'd offer this as the next

1 exhibit.

2 THE COURT: All right. That's 35.

3 (Exhibit No. 35, Photograph, admitted
4 into evidence.)

5 BY MS. SPIROS:

6 Q. At the time in January, sir -- you just
7 mentioned the number of the tools that are on the
8 duty belt and the uniform.

9 At the time in January, did the Department
10 have TASERS?

11 A. No.

12 Q. How about BolaWraps or spider wraps?

13 A. No.

14 Q. You mentioned -- I want to go back to
15 January 4th now.

16 You mentioned you were calling in for
17 other resources. You were on the radio. You had
18 grabbed a medical bag.

19 Can you tell us what happened next?

20 A. As those resources started to arrive, called
21 for an ambulance, called for -- put out over the
22 air for any officers blocking the intersection to
23 open up the intersection so that the ambulance
24 could get to our location at 59 Chestnut Street.

25 Officers were in the backyard trying to

1 perform lifesaving measures on the individual on
2 the ground.

3 Additional Cambridge police officers
4 arrived on the scene.

5 I assigned Officer Moyer (phonetic), who is
6 one of our family and social justice officers, to
7 begin a crime scene log.

8 Q. And, in terms of the ambulances, one of those
9 ambulances was for the individual who was shot?

10 A. Yes.

11 Q. Was there a second ambulance?

12 A. I called for a second ambulance, yes.

13 Q. Why?

14 A. To treat Officer McMahon.

15 Q. Was he physically injured?

16 A. He was not physically injured, but, per
17 department policy, an officer involved in a
18 shooting needs to go to the hospital to be
19 treated for the physiological and psychological
20 effects of the shooting.

21 MS. SPIROS: If I could just have one
22 moment to find an exhibit.

23 (Pause.)

24 MS. SPIROS: If I could have one moment,
25 your Honor.

1 THE COURT: Sure.

2 MS. SPIROS: (Inaudible.)

3 THE CLERK: It's 29.

4 MS. SPIROS: Twenty-nine.

5 Thank you.

6 I am going to approach the witness with
7 29 with the Court's permission.

8 THE COURT: All right.

9 BY MS. SPIROS:

10 Q. Sir, did you become aware that there was a
11 homeowner at 55 Chestnut that was to the right of
12 59 Chestnut that had taken a recording of some of
13 the incident?

14 A. Only until much later.

15 It wasn't on the day of the incident.

16 Q. But you since -- you since have become aware
17 of that?

18 A. I have since become aware, yes.

19 Q. And I'm showing you the first page of 29.

20 Are you pictured in that?

21 A. I am.

22 Q. And could you circle where you are and then
23 mark your initials --

24 A. Sure.

25 Q. -- on 29?

1 Thank you.

2 MS. SPIROS: Just publishing 29.

3 BY MS. SPIROS:

4 Q. Sir, you talked about that (inaudible), that
5 formation.

6 Is that visible in this photograph?

7 A. Yes, it is.

8 Q. And you can see -- a little bit of a glare
9 there, but can you see -- your hand is
10 (inaudible). Is that better? Not better, okay.

11 Here you can actually see your hand on
12 Officer Colbert's; is that correct?

13 A. Yes.

14 Q. After the incident, did you agree to be
15 interviewed by the Massachusetts State Police?

16 A. I did.

17 Q. And the (indiscernible), had they taken sort
18 of the lead in the investigation?

19 A. Yes, they have.

20 Q. And as part of that, that was a recorded
21 interview; is that right?

22 A. Correct.

23 Q. Did you engage in that interview voluntarily?

24 A. I did.

25 Q. And at the -- in the course of that

1 interview, were you asked to draw a diagram?

2 A. I was.

3 Q. Specifically sort of the positioning in the
4 backyard at the time the shots were fired?

5 A. Yes.

6 MS. SPIROS: May I approach?

7 THE COURT: You may.

8 BY MS. SPIROS:

9 Q. I'm just going to show you -- do you
10 recognize this?

11 A. I do.

12 Q. What do you recognize it to be?

13 A. That is the rough map or sketch that I drew
14 of the location where the shooting took place on
15 January 4th.

16 Q. Thank you.

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

19 THE COURT: All right. That will be 36.

20 (Exhibit No. 36, Sketch, admitted into
21 evidence.)

22 MS. SPIROS: Thank you.

23 If I could have a moment, your Honor.

24 THE COURT: Okay.

25 (Pause.)

1 BY MS. SPIROS:

2 Q. I just want to take you back for a moment, if
3 I could, just to that -- at that interaction on
4 the street that you were able to observe of the
5 officers and the individual.

6 I think this would have been on Chestnut
7 Street.

8 Specifically his face and his eyes -- the
9 individual -- do you have any memory of sort of
10 what -- what he looked like to you that day?

11 A. I do.

12 The individual was covered in blood on
13 his, you know, on his face, his upper torso, his
14 hands.

15 It appeared to be his own blood -- he had
16 had some trauma -- and he had a thousand-yard
17 stare.

18 Q. I didn't hear you. I'm sorry.

19 A. A thousand-yard stare. He was looking -- a
20 glazed look on his face.

21 MS. SPIROS: I have nothing further.

22 THE COURT: All right. Thank you.

23 Attorney Anderson?

24 MR. ANDERSON: Just a couple questions.

25 Can we queue up the video of the officers

1 going down Chestnut, please --

2 MS. SPIROS: Yes.

3 MR. ANDERSON: -- just to have him
4 identify his vehicle?

5 MS. SPIROS: You just need to switch the
6 cords.

7 (Pause.)

8 EXAMINATION

9 BY MR. ANDERSON:

10 Q. While we're waiting for this, Deputy, just a
11 couple unrelated questions.

12 When you were testifying, you were asked
13 what observations you made at the night, but at
14 one point you held your hands up with your
15 fingers apart, but there was nothing put on the
16 record that, if someone read that transcript, we
17 would know how big that knife was.

18 How big would you say that knife was?

19 A. I'd say approximately 12 inches.

20 Q. Okay. And after the discharge by Officer
21 McMahan, you called for an ambulance?

22 A. Yes, sir.

23 Q. And do you know if an ambulance had already
24 been called for the subject and was staging in
25 the area?

1 A. I believe it was staged in the area, but I
2 wanted it right in front of 59 Chestnut Street.

3 Q. Okay. So there was already one ambulance
4 that was there to take care of this individual
5 with the wounds --

6 A. Correct.

7 Q. -- before the shooting actually took place?

8 A. I believe so, yes.

9 Q. Okay. And when you -- before getting on
10 Chestnut, you said you came down Sidney Street?

11 A. I came down Sidney, and then I believe at
12 some point I made a left turn, I believe on
13 Putnam -- I'm not exactly sure at this point --
14 and then a right onto Waverly.

15 Q. And Waverly's a one-way street, correct?

16 A. Correct.

17 Q. And as you were going down Waverly Street,
18 were you going the proper way or against the
19 normal flow of traffic?

20 A. Against the normal flow of traffic.

21 Q. And then you would have taken a right-hand
22 turn on Chestnut Street?

23 A. Yes.

24 Q. So the total distance on Chestnut Street you
25 drove is about a block and a half; is that fair

1 to say?

2 A. Yeah, about that.

3 Q. And I'm just going to show you this video
4 (inaudible) before of officers -- the subject,
5 and then officers coming down the street.

6 And can you tell us if you recognize your
7 unmarked vehicle in this video?

8 MS. SPIROS: Sorry, counsel, you want
9 this video?

10 MR. ANDERSON: Yeah.

11 MS. SPIROS: Okay.

12 MR. ANDERSON: If you can just back it up
13 a little bit, because I think that's him going
14 out of view right now.

15 THE WITNESS: May I approach it just to
16 make sure?

17 MR. ANDERSON: Yeah.

18 THE COURT: Sure.

19 Go ahead, Officer.

20 MR. ANDERSON: Can we just go back to
21 where the first --

22 (Discussion held off the record.)

23 MS. SPIROS: Can you see it here?

24 MR. ANDERSON: Yeah, but can you just go
25 back to the very beginning when Mr. Faisal goes

1 down on the sidewalk?

2 MS. SPIROS: (Inaudible.)

3 MR. ANDERSON: You can just play it from
4 there.

5 You can just play it from there.

6 MS. SPIROS: This is a disturbing --

7 MR. ANDERSON: But then it jumps ahead,
8 right?

9 MS. SPIROS: I can't -- okay. Okay.
10 Thank you. Okay.

11 MR. ANDERSON: That's --

12 BY MR. ANDERSON:

13 Q. And now the video is on Chestnut Street?

14 Now two officers run down the left-hand
15 side -- one on the sidewalk; one on the street.

16 And there's a (inaudible) officer in the
17 middle of the street.

18 A. Yeah, that would be my black
19 department-issued Ford Explorer.

20 Q. Okay.

21 A. You can see the lights on.

22 Q. Approximately the 1:03:36 mark.

23 And then you went down beyond where these
24 officers were, attempting to cut off this
25 individual?

1 A. On -- on Chestnut Street?

2 Q. Yes.

3 A. Yes, sir.

4 Q. When Officer McMahon discharged in the
5 backyard, were you still on the driveway or had
6 you gone in the backyard yet?

7 A. No, I was still in the driveway.

8 Q. And from where you were, were you able to
9 tell the distance between this individual and
10 Officer McMahon?

11 A. No.

12 I did not see Officer McMahon discharge
13 his weapon.

14 I did not have a clear view into the
15 backyard.

16 Q. Okay.

17 MR. ANDERSON: I have no further
18 questions.

19 THE COURT: All right. Thank you.
20 Attorney Kazarosian?

21 MS. KAZAROSIAN: Thank you, your Honor.

22 EXAMINATION

23 BY MS. KAZAROSIAN:

24 Q. Deputy Superintendent Boyle, I'm Marsha
25 Kazarosian, and I represent the family of

1 Mr. Faisal.

2 A. Yes.

3 Good morning.

4 Q. Good morning.

5 You had talked a little bit about your
6 training de-escalation of mental health calls,
7 proper use of force, and you're familiar with the
8 Cambridge policies.

9 A. I am.

10 Q. When you heard the call, am I correct in
11 understanding that you heard that it was a person
12 who was running with a machete to their throat?

13 A. Yes.

14 Q. Did you at that point think that this could
15 be a mental health call?

16 A. Possibly.

17 Q. Did you call for any resources, mental health
18 resources, at that time?

19 A. At that point I was not on-scene, so I did
20 not have the tactical vantage point to call in
21 anything.

22 I did not want to do that until I could
23 properly assess the scene.

24 Q. And when you -- at some point you did have
25 an opportunity to properly assess the scene,

1 correct?

2 A. Correct.

3 Q. And did you call for mental health support
4 resources at that point?

5 A. I did not have the opportunity to.

6 This was a rapidly unfolding, dynamic
7 situation.

8 As I previously testified, the interaction
9 on Chestnut Street was not very long; the
10 interaction in the driveway was not very long,
11 and the individual had run into the backyard
12 before we could do any of that.

13 Q. So when you say it was not very long, the
14 interaction on Chestnut Street, how long would
15 you say that was, approximately?

16 A. A minute or -- a minute or less --

17 Q. Less than a minute.

18 A. -- I believe is what I testified to.

19 Q. And the interaction in the driveway, when
20 you're talking about that, are you talking about
21 when the less-lethal was fired and then going
22 into the backyard; is that what you're talking
23 about?

24 A. Correct.

25 Q. So how long between the point of when the

1 less-lethal was fired and then you heard the
2 shots in the backyard?

3 A. Seconds, because once he was hit with the
4 less-lethal, he turned, smiled, and ran into the
5 backyard and it was shortly after -- I mean, very
6 shortly after that that there were shots fired.

7 Q. Like, how many seconds?

8 Can you guess -- I don't want you to
9 guess. I'm sorry.

10 A. I can't --

11 Q. From your memory, can you tell how many
12 seconds, approximately?

13 A. Fifteen maybe? Ten, 15 maybe?

14 Q. And Mr. -- and you observed during that ten,
15 15 seconds at some point Mr. Faisal was on the
16 move, and then you lost sight of him?

17 A. Yeah. I lost sight.

18 Basically, once he ran into the backyard,
19 I lost sight of him.

20 Q. So at -- and in that 10, 15 seconds, you were
21 behind Officer Colbert, who was -- you were then
22 urging him to get down range?

23 A. Yes.

24 Q. Okay. And that's move forward?

25 A. Move forward, correct.

1 Q. Now, you had also testified that when you got
2 on the scene, you heard -- you saw Mr. Faisal
3 stopped and officers shouting for him to drop the
4 knife?

5 A. Correct.

6 Q. And what was -- did they shout with some
7 urgency?

8 A. Yes.

9 Q. And was it pretty loud?

10 A. Yes.

11 Q. And so you had every reason to believe that
12 Mr. Faisal heard them?

13 A. Yes.

14 Q. Did they shout anything else?

15 A. I can't recall at this time.

16 Q. And when you got to the scene of the driveway
17 and you were behind Officer Colbert, who was
18 preparing to use the less-lethal, that's when you
19 noticed Officer McMahon in the backyard?

20 A. Correct.

21 Q. And then you shouted out, Get out of the way,
22 or for him to get out of the way?

23 A. Something to the effect of, Move back, get
24 out of the way.

25 Q. And, obviously, or did you believe that that

1 was loud enough for him to hear you, and how far
2 away was he at that time, if you could estimate?

3 A. Thirty to 45 feet at least. It was a good
4 distance.

5 Q. And then Officer Colbert is shouting,
6 Less-Lethal, less-lethal, less-lethal?

7 A. Yes.

8 Q. And is that quite loud?

9 A. Yes.

10 Q. And then you're shouting to get down range
11 after that shot, and that's -- was that also
12 quite loud in the same --

13 A. Well, Officer Colbert yelled, Less-Lethal,
14 less-lethal, less-lethal; took aim, fired the
15 weapon.

16 And then, once the weapon was fired and
17 had no effect on the individual, the individual
18 then ran into the backyard.

19 I then was telling Officer Colbert -- I
20 wasn't shouting, you know, Get down range,
21 because nobody else was there at that point.

22 It was just Officer Colbert and I at that
23 point.

24 Q. When did you -- at some point were you
25 shouting, Get down range, or no?

1 A. I wasn't shouting it --

2 Q. Okay.

3 A. -- I was telling Officer Colbert.

4 Q. I see. I see.

5 How loud is that less-lethal launcher?

6 Is that pretty loud?

7 A. It makes a loud pop.

8 Q. Is it similar to a gunshot?

9 A. No.

10 Q. Is one of the reasons you yell "less-lethal"
11 so that officers won't confuse that with a
12 gunshot?

13 A. It's done for two reasons.

14 It's done to let other officers on the
15 scene know that you are going to deploy this, and
16 put them on alert; and, also, in some respects it
17 also lets the individual know that you're about
18 to fire a less-lethal weapon at them.

19 Q. After you saw Mr. Faisal and then you decided
20 to go off and try to head him off, I think with
21 the car, did you make any calls then for any
22 mental health resources?

23 A. No.

24 Like I said, this was a rapidly unfolding,
25 dynamic situation. That would not have been

1 possible.

2 And, also, based on what I know, most
3 mental health or clinicians are not going to
4 respond to a violent scene.

5 Q. Are you familiar, then, with the mental
6 health policy for Cambridge? Correct?

7 A. Yes.

8 Q. And is it not true that the Cambridge policy
9 for dealing with a person in a mental health
10 crisis --

11 THE COURT: Attorney Kazarosian, I think,
12 like I said yesterday, the policy -- I have the
13 policy, you know --

14 MS. KAZAROSIAN: No, I understand, your
15 Honor.

16 I'm just trying to see what his -- how
17 he --

18 THE COURT: And I -- and I understand.

19 But, like I said, I'm more interested in
20 the actions, rather than what the policy was.

21 The policy might have some -- another --
22 some relevance in another area; but, for my
23 purposes, it's the actions of the individuals as
24 well.

25 MS. KAZAROSIAN: Well, I understand that.

1 I just for the record would like to say
2 that we're hearing a lot about people's state of
3 mind when ADA Spiros was questioning --

4 THE COURT: Um-hum.

5 MS. KAZAROSIAN: -- and I think part of
6 this is a state of mind as to the policies and
7 their knowledge of it.

8 So I understand what you're saying.

9 THE COURT: Yeah.

10 MS. KAZAROSIAN: I understand you don't
11 want me to ask the questions, but I would like to
12 say on the record that I think it's important --

13 THE COURT: Okay.

14 MS. KAZAROSIAN: -- information --

15 THE COURT: All right.

16 MS. KAZAROSIAN: -- in light of every
17 officer who has been questioned as to their state
18 of mind, and their training, and the decisions
19 they made based on that training.

20 THE COURT: All right. Thank you.

21 MS. KAZAROSIAN: But I understand you
22 do not want me to go down this line of
23 questioning.

24 THE COURT: Yes.

25 MS. KAZAROSIAN: Thank you.

1 BY MS. KAZAROSIAN:

2 Q. At some point I think you had answered
3 Attorney Anderson that prior to the shooting
4 there had been an ambulance call, or you had
5 called for an ambulance?

6 A. I did not call an ambulance.

7 For a mental health call, an ambulance
8 will be dispatched.

9 Q. Who dispatches the ambulance for a mental
10 health call?

11 A. The emergency communication center.

12 Q. All right. So you're not aware of anyone on
13 the scene calling for the ambulance?

14 A. No.

15 Q. Were you aware that the ECC had sent an
16 ambulance?

17 A. Yes.

18 After the shooting I had called for the
19 ambulance, and they said it was already on-scene.

20 Q. In your training -- and I'm not going very
21 far with this -- but in your training as a crisis
22 response, you're aware that it's important not to
23 excite a subject, correct?

24 A. When possible, yes, you want to de-escalate
25 the situation.

1 Q. And yelling, possibly could that be
2 escalating or contributing to the situation, when
3 there's a lot of yelling and noise going on?

4 A. In a controlled -- more controlled
5 environment, yes.

6 But, given the dynamics of this, it is not
7 a calm scene when you have an individual armed
8 with a knife.

9 Q. Now, you were not able to see where
10 Mr. Faisal was in relation to Officer McMahon?

11 A. No.

12 Q. When you went back there, you said that you
13 had -- at one point you went back, saw Mr. Faisal
14 was on the ground, went to Officer McMahon.

15 At that point, did you see the distance
16 between where Mr. Faisal was on the ground and
17 where Officer McMahon was standing?

18 A. Yes.

19 Q. Can you approximate that distance?

20 A. Five, seven feet maybe. I'm not exactly
21 sure.

22 Q. So you first went to Officer McMahon, then
23 you went to Mr. Faisal, and then did you go to
24 the -- to get the medical kit, or did you go from
25 Officer McMahon to the cruiser to get the medical

1 kit?

2 A. I took Officer McMahan out to the street and
3 then got the medical kit.

4 It was one -- we moved into the street,
5 and I got the medical kit.

6 Q. Was there anyone else assisting
7 Dr. McMahan -- Dr. McMahan -- Officer McMahan at
8 that point?

9 A. I believe Officer Marziarez was also with
10 him.

11 Q. Any other officers assisting that you could
12 see?

13 A. With Officer McMahan or Mr. Faisal?

14 Q. With Officer McMahan.

15 For example, did you see Officer
16 Pugliares?

17 Did you see --

18 A. Officer Pugliares was with Mr. Faisal.

19 I believe Officer Colbert was with
20 Mr. Faisal.

21 Officer Watson was, I think, on-scene
22 right around there. I -- I can't remember, to be
23 honest with you.

24 But I know Officer Marziarz and myself
25 were with Officer McMahan.

1 Q. So at the moment -- I'm talking about the
2 moment you first went into the yard.

3 Were all these people there already?

4 A. Yeah -- no. Officer Colbert and I would have
5 been the last to --

6 Q. Oh.

7 A. -- to arrive.

8 Q. All right.

9 A. Because he was --

10 Q. So the other officers were already in there?

11 A. Yes, the other officers were already in the
12 backyard.

13 Q. And we've heard testimony before, I think
14 you're aware, there was a daycare?

15 A. Yeah.

16 I think it --

17 Q. Adjacent?

18 A. Yeah. It was either the next house or the
19 next house after, but a neighbor -- a neighboring
20 house next to the scene.

21 Q. Were you aware of whether or not that daycare
22 was open at that point in time?

23 A. On the day of the incident, no.

24 Q. And you didn't hear children there or
25 anything like that?

1 A. No.

2 But I am aware of the elementary school
3 that is down the street.

4 Q. I'm talking about the daycare.

5 A. Okay. Yeah, no, I did not know there was a
6 daycare there.

7 Q. Okay. Now, you had pointed out that on an
8 officer's duty belt there is OC spray --

9 A. Yes.

10 Q. -- right next to his flashlight.

11 Can you tell me under what circumstances
12 OC spray would be effective in a situation like
13 this, or if it wouldn't be, and why?

14 A. OC spray is effective in a four- to six-foot
15 range.

16 It's an aerosol-delivered system, which
17 means you need almost, like, a cloud for it.

18 It is one of the less-lethal options;
19 however, not every situation is applicable to the
20 OC spray.

21 For instance, if an individual is armed
22 with a weapon that's superior to the OC spray, it
23 would not make sense to use OC spray if the
24 subject's weapon is superior to the OC spray.

25 Q. But if someone was approaching and was within

1 three to five feet, the OC spray wouldn't
2 dissipate before it hit that person, correct?

3 A. No.

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

6 THE COURT: All right. Thank you.

7 Thank you, Deputy.

8 (Witness excused.)

9 MS. SPIROS: Your Honor, with the Court's
10 permission, we'd like to take Ryan Taliaferro,
11 one of the civilians out of order --

12 THE COURT: Sure.

13 MS. SPIROS: -- since he is here, and ADA
14 Evans will be handling this witness.

15 THE COURT OFFICER: Ryan?

16 MS. SPIROS: Taliaferro.

17 THE COURT OFFICER: Ryan Taliaferro.

18 THE CLERK: If you could raise your right
19 hand.

20 Do you swear to tell the truth, the whole
21 truth, and nothing but the truth?

22 THE WITNESS: I do.

23 RYAN TALIAFERRO, SWORN

24 THE COURT: Good morning, sir.

25 And, once you take a seat, I just want to

1 let you know, there is a sequestration order in
2 this case.

3 You are not to discuss your testimony
4 with any other witness who may come before us.

5 And, also, because of the nature of these
6 proceedings, these are closed proceedings, and
7 they might not become public for several days, if
8 not weeks; and, during the course of these
9 hearings, until this becomes public, I'm going to
10 ask you not to discuss your testimony with anyone
11 else. Okay?

12 THE WITNESS: I understand.

13 THE COURT: All right. Thank you, sir.

14 Okay. Attorney Evans.

15 MS. EVANS: Thank you, your Honor.

16 EXAMINATION

17 BY MS. EVANS:

18 Q. Good morning.

19 A. Good morning.

20 Q. Can you please state your name and spell your
21 last name for the record?

22 A. My name is Ryan Taliaferro.

23 It's spelled T like tango, A-L-I-A, F,
24 like foxtrot, E-R-R-O.

25 Q. Where do you live?

1 A. I live at 2 Fort Washington Place in
2 Cambridge.

3 Q. How long have you lived there?

4 A. Since 2011, so about 12 years.

5 Q. And now, where is Fort Washington Place in
6 regards to Chestnut Street?

7 A. It's a rear-abutting property, so meaning the
8 backyards of Chestnut Street properties would be
9 in -- over my back fence.

10 Q. So what particular backyard is over your back
11 fence?

12 A. I actually don't know the addresses.

13 Q. But it's one of Chestnut Street?

14 A. Yes.

15 Q. And can you see that backyard from your
16 residence?

17 A. So there's two in question.

18 There's one directly behind me, which I
19 can see at all times of the year.

20 There is one adjacent, which right now is
21 occluded by a very large maple tree that is
22 leafed out, but in January would have been very
23 visible.

24 Q. Now, turning to January 4th, were you home
25 that afternoon?

1 A. I was.

2 Q. And do you remember where in particular you
3 were in the house?

4 A. I was on the second floor.

5 There are two principle rooms on that
6 floor -- one that looks to the rear over my back
7 fence into the rear yards of those Chestnut
8 Street properties, and one that looks out the
9 other side onto Fort Washington Place.

10 Q. And what, if anything, caught your attention
11 that afternoon?

12 A. I heard a sequence of sounds that were
13 clearly the discharging of a firearm in close
14 proximity.

15 Q. What did you do next?

16 A. For a moment, I thought about what else it
17 might be, sort of not wanting to feel compelled
18 to go to a window and try to figure out what was
19 going on.

20 I couldn't think of anything. It was
21 pretty clear what that was.

22 So I went to -- first to the window that
23 overlooks Fort Washington Place, that's on the
24 opposite side of the property, and I saw nothing.

25 And then I thought, maybe I was dreaming,

1 and I said, well, just to be sure, I walked to
2 the other side of the house and looked out the
3 back, where I saw a number of police officers
4 rendering lifesaving aid to someone who clearly
5 had been shot.

6 Q. So when you looked at -- you were now at the
7 back of your residence; is that correct?

8 A. That's right.

9 When I -- that was my second -- second
10 look out the window.

11 The first look was just out onto Fort
12 Washington Place where there was nothing.

13 Q. So at this point you're facing Chestnut
14 Street?

15 A. That's right.

16 Q. And you made observations of police officers?

17 A. Yes.

18 Q. What were those observations?

19 A. There was a group obviously rendering
20 emergency lifesaving aid to a person who appeared
21 to have gunshot wounds to his chest I can -- at
22 this point I can say about -- how that proceeded,
23 but that's what I saw.

24 Q. How many officers did you see?

25 A. I would say five or six.

1 Q. And what were those officers doing, from your
2 view?

3 A. From my perspective, they were working
4 quickly, urgently, and, actually, as a
5 well-coordinated team to save a man's life.

6 Q. And did you make any observations of that
7 man?

8 A. He was mostly occluded by the people who were
9 attending to him.

10 I know that -- I would say that he was a
11 man.

12 I can't say a whole lot more.

13 Q. Was he doing anything as the officers tried
14 to assist him?

15 A. He was -- I mean, at that point I would say
16 he was pretty deprecated, but he was -- he wasn't
17 completely cooperating, to the extent that one of
18 the officers, you know, while rendering the aid,
19 in conjunction with his colleagues, had to, you
20 know, bark the standard order, Stop resisting,
21 stop resisting.

22 So it wasn't -- he wasn't entirely
23 cooperative.

24 Q. And, now, you heard the officer say that?

25 A. I did hear that.

1 Q. Did you hear it once or more than once?

2 A. At least twice.

3 Q. And what did they do next, the officers?

4 A. They continued with the lifesaving aid -- so
5 there was a number of steps.

6 They had to remove his shirt; they applied
7 what appeared to be patches, I would guess ready
8 to go to stop a bullet wound. They inverted him
9 to, I think, check for exit wounds.

10 Now, at this point -- so there's things
11 that I observed and how i interpreted it, so I'm
12 interpreting it as, you know, stopping an
13 entrance wound; looking for exit wound. I don't
14 know that for sure.

15 I do know that they removed his shirt.
16 There was, you know, something that they needed
17 to do to his chest, and they needed to invert him
18 as well, so these were all things that they were
19 doing, I would -- I would say in very close
20 coordination.

21 The -- the one thing that I left -- apart
22 from just sort of the discomfort and
23 discouragement and sadness of the whole scene was
24 the, you know, degree to which the officers were
25 working together as a -- as a very competent

1 team.

2 It was actually impressive.

3 Q. How long do you think this went on for?

4 A. It wasn't long. THE ambulance arrived very
5 quickly.

6 Another thing that I thought quietly was
7 pretty impressive.

8 So, you know, I'm witness to nothing that
9 preceded this, but what I am witness to is the
10 emergency response -- both of our police
11 department and whoever was in the ambulance, you
12 know.

13 This was -- the aid was rendered very
14 quickly; the ambulance arrived. I would be
15 surprised if the whole thing lasted ten minutes.

16 Q. And now, was -- what happened when the
17 ambulance arrived?

18 A. So two attendants pulled the, I guess the
19 stretcher or the gurney out and were rolling
20 it.

21 One of the EMTs had a backboard, and when
22 he saw the number of police officers that he was
23 going to have to assist him, he just sort of
24 tossed it to the side, obviously not going to
25 need that, with -- with the assistance that he

1 was going to get from the police officers, who,
2 as the gurney came up, did lift the man onto the
3 stretcher -- I believe he was strapped down --
4 that was wheeled away onto the ambulance.

5 Again, very quick. These are things that
6 obviously have been practiced and trained.

7 Q. And, now, after the individual with the
8 ambulance left, what did the officers do?

9 A. So there was -- then a sort of -- things
10 calmed down.

11 Officers, I noticed, removed
12 anything -- again, my interpretation is that they
13 were leaving anything that might be useful as
14 evidence, so they removed gloves, for example,
15 and dropped them, and then -- and then
16 (indiscernible) as they're leaving everything,
17 including the backboard that had just sort of
18 been tossed, all of the various and sundry things
19 that they had used, including those gloves.

20 And then the folks with the tape started
21 taping the thing off, so there was sort of an
22 orderly exit leaving all evidence behind, and
23 then, it was, you know, a protected scene.

24 Q. And now, you testified that now you have two
25 views of two different yards -- one which is

1 currently obstructed due to a tree.

2 A. Yeah.

3 Q. At this period in January, was your view
4 obstructed of this at all?

5 A. Not in the least.

6 Q. You testified to the officers asking an
7 individual to stop resisting, stop resisting.

8 Did you make any observations of the
9 individual as they were telling him to do that?

10 A. I mean, I -- he was squirming a bit,
11 twisting. There was maybe an arm flail.

12 You know, at this point, there was not a
13 whole lot of resistance that was possible, but he
14 was not lying still, so I -- so my interpretation
15 at the time was that this was less about officers
16 being concerned for their safety; it was more
17 about trying to deliver lifesaving aid, and there
18 was just not full cooperation.

19 MS. EVANS: Nothing further, your Honor.

20 THE COURT: All right. Thank you.

21 Attorney Anderson?

22 MR. ANDERSON: Just very briefly.

23 EXAMINATION

24 BY MR. ANDERSON:

25 Q. Probably not a fair question, but from the

1 time you heard the shots that you determined were
2 gunshots, going to the front window, coming to
3 the back window, how much time would have elapsed
4 from the shots to get into the back window?

5 A. All right. So I thought about that in sort
6 of anticipating that question.

7 Maybe two minutes, not more, because there
8 was sort of the hearing of the gunshots; there
9 was the momentary reflection, do I really need to
10 go to the window, I've sort of got other things
11 on my mind, deciding that I needed to.

12 Going to the wrong window, seeing nothing,
13 pausing for a moment, then going, I think that's
14 probably two minutes.

15 Q. Okay. And, prior to hearing the gunshots,
16 you hadn't heard any sirens in the area?

17 A. I do not believe so.

18 Q. You didn't hear any other loud bangs?

19 A. Not that I noticed.

20 I -- I may have, but I --

21 Q. So the first thing that drew your attention
22 was the gunshots?

23 A. That's right.

24 Q. Okay.

25 MR. ANDERSON: I have nothing further.

1 THE COURT: All right. Thank you.
2 Attorney Kazarosian?

3 EXAMINATION

4 BY MS. KAZAROSIAN:

5 Q. Good morning, Mr. Taliaferro.

6 A. Good morning.

7 Q. My name is Martha Kazarosian, and I represent
8 the family of Mr. Faisal, the young man who
9 (inaudible).

10 A. Um-hum.

11 Q. You had said that your view when you finally
12 went to that window at the back and saw the scene
13 unfolding, your view of Mr. Faisal was mostly
14 occluded by the people attending him; is that
15 correct?

16 A. That's correct.

17 Q. And so when you say mostly occluding, could
18 you see his -- what could you see of him?

19 A. I could see his chest.

20 So things that the officers did as part
21 of rendering aid, they removed his shirt, so I
22 think -- to expose whatever entry wounds there
23 were.

24 So I could tell the difference between
25 skin and fabric, and I -- I believe he was

1 wearing jeans.

2 Beyond that, I couldn't -- I couldn't say
3 much more.

4 I certainly couldn't identify this person
5 if you showed me a photograph.

6 Q. Did you see the shirt on him and the officers
7 removing the shirt, or do you just -- you had
8 talked a little bit and said --

9 A. I believe --

10 Q. -- my -- my interpretation.

11 So did you actually see them remove a
12 shirt or did you --

13 A. I -- I believe I did. I believe I did.

14 Q. And when you say he was moving, or you had
15 made an assumption, based on hearing someone say,
16 Stop resisting, stop resisting; but you didn't
17 actually see him resisting, correct?

18 A. I saw him moving, so it would be an
19 interpretation to say that he was resisting.

20 MS. KAZAROSIAN: I have no further
21 questions, your Honor.

22 THE COURT: All right. Thank you.

23 Thank you, sir.

24 You may step down.

25 THE WITNESS: Very well.

1 (Witness excused.)

2 MS. SPIROS: We have Officer Thomas
3 Watson.

4 THE COURT OFFICER: Thomas Watson.

5 (Discussions held off the record.)

6 THE CLERK: Can you raise your right
7 hand?

8 Do you solemnly swear to tell the truth,
9 the whole truth, and nothing but the truth, under
10 the pains and penalties of perjury?

11 THE WITNESS: I do.

12 THE CLERK: Thank you very much.

13 THOMAS WATSON, SWORN

14 MS. KAZAROSIAN: Can I have a moment
15 first to just --

16 THE COURT: Sure.

17 MS. KAZAROSIAN: I mean, you can --

18 THE COURT: Okay.

19 Good morning, officer.

20 THE WITNESS: Good morning, your Honor.

21 THE COURT: Officer, I'm sure you're
22 aware there's a sequestration order.

23 And, on top of that, because of the
24 nature of these proceedings, it's a closed
25 hearing, and it won't become public for several

1 days, if not several weeks.

2 , so during the course while it's still a
3 closed hearing until it becomes public, I'm going
4 to ask you not to discuss your testimony with
5 anyone, including fellow officers.

6 Of course, if you have an attorney,
7 you're free to speak to your attorney about that,
8 okay?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: All right. Thank you.

11 MS. SPIROS: May I proceed, your Honor?

12 THE COURT: You may.

13 MS. SPIROS: Thank you.

14 EXAMINATION

15 BY MS. SPIROS:

16 Q. Good morning, sir.

17 A. Good morning.

18 Q. Could you please introduce yourself to the
19 Court, spelling both your first and last name for
20 the record?

21 A. My name is Thomas Watson, T-H-O-M-A-S,
22 W-A-T-S-O-N.

23 Q. How are you employed?

24 A. I'm employed by the Cambridge Police
25 Department.

1 Q. And -- as an officer?

2 A. Yes.

3 Q. How long have you been a police officer?

4 A. About seven years.

5 Q. And were you only with Cambridge or with
6 other departments as well?

7 A. I was only with Cambridge PD.

8 Q. Could you tell us what your current role is
9 every day?

10 A. Currently I'm assigned to the Family and
11 Social Justice Section as an outreach officer for
12 the Department.

13 Q. What does that mean?

14 A. I work with the at-risk population of the
15 city, people who suffer from addiction, the
16 unhoused, the mentally ill, as well as the elders
17 and seniors of the city.

18 Q. And so that's slightly different from a
19 regular patrol; is that right?

20 A. Absolutely, yes.

21 Q. Okay. I want to ask you a little bit about
22 your training and experience, and I want to
23 specifically focus on your medical training.

24 A. Yes.

25 Q. Can you describe sort of the background that

1 you have in trauma response or first aid?

2 A. Absolutely.

3 So my first trauma response came --
4 training came from when I was in the Marine
5 Corps, from the basic first responder and
6 lifesaving efforts in the combat element.

7 Q. So the Marine Corps?

8 A. The Marine Corps was where I --

9 Q. We're just having a little trouble hearing
10 you.

11 A. No, sorry.

12 So my first training came from the Marine
13 Corps and basically combat healthcare and combat
14 medicine.

15 And then, as I became an officer, I joined
16 the special response team, and as a member of the
17 special response team, I went to a school last
18 summer for a tactical medical practitioner, and
19 that training basically revolves around mass
20 casualty events, people who suffer from gunshot
21 wounds, explosions, knife wounds, and any serious
22 trauma that might be inflicted in the field.

23 Q. And so this -- this training that you took
24 last summer, can you sort of describe what you
25 went through and what you learned about?

1 Just briefly.

2 A. Yes. So this training took place at Moon
3 Island with multiple agencies.

4 It was actually by SOARescue. It was
5 about 50 hours of training, Monday through
6 Friday, and this training covered mass casualty
7 events, how to treat gunshot wounds, how to
8 treat, like, stab victims, and how to deal
9 with, like, victims of explosions and impact
10 injuries.

11 Q. And you're talking about hands-on medical
12 care that you're going to be giving?

13 A. Absolutely.

14 It's hands-on field medical care versus
15 the controlled hospital environment.

16 Q. And so this is an elevated level of training
17 or a higher level of training than, say, a
18 routine patrol officer would have?

19 A. Absolutely.

20 It is a high level of training.

21 Q. And so I want to draw your attention now to
22 January 4th of 2023.

23 Do you recall if you were working that
24 day?

25 A. I was working that day.

1 Q. Can you tell us, in the same capacity that
2 you just described?

3 A. So I was assigned to the family social
4 justice section as an outreach officer, and I
5 was -- I'm citywide in that element, because you
6 never know where a case will take me or an
7 at-risk individual.

8 Q. And so, at some point, did you learn of a
9 call that required assistance?

10 A. Yes.

11 Initially, there was a broadcast
12 (indiscernible) patrol over on Sidney Street for
13 a person involved in a psych incident.

14 And at that time I was in the north
15 Cambridge area.

16 Q. And what do you remember hearing from that
17 first dispatch?

18 A. So when that call first came out, we were up
19 in North Cambridge; and we didn't really think
20 anything of it until we heard the broadcast that
21 patrol officers were chasing a male armed with a
22 machete who was fleeing the area.

23 And it was at that point myself and the
24 people I was -- the other outreach officers, we
25 decided to bootleg over there to provide

1 assistance to the patrol.

2 Q. Who were those other officers?

3 A. That would be Officer Padua (phonetic),
4 Officer Moye, and Francisco (phonetic).

5 Q. And Francisco is Melinda Sanchez (phonetic)?

6 A. Melinda Sanchez, yes.

7 Q. And so you said "blue lights."

8 So you -- you got there quickly, I
9 presume?

10 A. Yes. We took Route 16 to Memorial Drive;
11 relatively low traffic, and we were lights and
12 sirens the whole way.

13 Q. What happened next?

14 A. So as we were arriving in the Chestnut Street
15 area, we heard the broadcast that there were
16 shots fired.

17 Q. And what happened after you heard those --
18 that broadcast?

19 A. So after we heard that broadcast, I -- I
20 exited my cruiser, and I started rushing to the
21 rear of 59 Chestnut street where I was advised
22 that there was officers in need of assistance.

23 Q. What did you see?

24 A. Upon arrival to the backyard, I saw a male
25 party lying on the ground, shirtless and covered

1 in blood.

2 Q. And, at that point, are you focused on that
3 individual?

4 A. I was focused basically on providing medical
5 aid and providing the highest level of care
6 towards that patient.

7 Q. And before I ask you some additional
8 questions about that, were you able to see
9 who else was there, just upon your initial entry?

10 A. There was multiple officers around.

11 They were -- looked like they were trying
12 to provide a baseline medical care; but I just
13 figured with my level of training, I would take
14 over.

15 Q. And you did that?

16 A. Yes.

17 Q. Can you describe what you did first?

18 A. So I initially walk around and I am uniformed
19 when I'm an outreach officer, so on my duty belt
20 I have a SOF-T tourniquet, which is a windless
21 tourniquet.

22 I unholstered that tourniquet, and
23 immediately approached the male on the ground,
24 and I noticed a gunshot wound on his arm.

25 And I applied that tourniquet high and

1 tight on that injury.

2 Q. What's the purpose of that?

3 A. To stop blood loss.

4 Q. You called it a SOF-T?

5 A. SOF-T tourniquet. There's multiple styles of
6 tourniquets, but it's rated to be one of the
7 better tourniquets out there.

8 Q. I'm just going to wait for the truck.

9 And after you applied the tourniquet, you
10 said that was to the left arm?

11 A. If he was laying down, I -- yes, I believe it
12 would be the left arm.

13 It was the one with the gunshot wound, I
14 remember that. It was (inaudible).

15 Q. Okay. Could you describe the position he was
16 in when you found him?

17 A. He was out -- laying on the ground on his
18 back, shirtless, and basically sprawled out, but
19 he was alert and conscious, like, when I was
20 addressing medical care to him while he was on
21 the ground.

22 Q. And so can you tell us a little bit more
23 about the alert and conscious part?

24 Like, what did you notice as you were
25 starting to treat him?

1 A. Like, his eyes were open, he seemed a little
2 irate.

3 And, you know, there was movement, but it
4 wasn't all over the place until I realized when
5 we were getting over to the other arm, which I
6 noticed had a slashed wrist, and I went to apply
7 another tourniquet, that he was reaching over
8 towards -- like, lifesaving measures that were
9 put on, chest seals on his chest, he was trying
10 to remove the tourniquet.

11 And it was at that point, just because of
12 how he was a little combative, trying to remove
13 lifesaving measures that officers were putting
14 on, I yelled up to the surrounding officers, I
15 was, like, Handcuff him; handcuff him right now.

16 So I made sure that he was handcuffed.

17 Q. And just -- just let me ask you that.

18 A. Yes.

19 Q. So the purpose at that point of the handcuffs
20 is what?

21 A. To prevent the removal of lifesaving
22 measures.

23 Q. And you described that he was irate.

24 Can you further describe what makes you
25 say irate?

1 A. I remember eyes wide open, you know, a smile
2 on his face.

3 And it was -- I was talking to him to kind
4 of calm his behavior, but I just don't recall
5 what he was saying; but he was responding to me,
6 it was just a difficult scene to be at.

7 And the fact that somebody's smiling at
8 you while they're in the condition they're in,
9 and you're trying to save their life is a
10 little -- a little difficult to look at.

11 Q. When you said you were trying to comfort him
12 and calm him, what were you saying?

13 A. So I was just, like, It's going to be okay.
14 I'm going to -- we're going to help you. Don't
15 worry about this.

16 I was just letting him know that we are
17 going to provide these lifesaving measures.

18 Q. And you said he was -- there were words
19 coming out of his mouth, but could you understand
20 what he was saying?

21 A. Maybe at the time, but, like, as I was
22 thinking back on it, I was just so hyper-focused
23 on the actual condition at hand.

24 Q. So you told us about the first tourniquet
25 that you applied.

1 What was the next step that you took in
2 terms of the medical care?

3 A. So the next step is I moved over towards his
4 other side because I noticed there was a slashed
5 wrist, and I wanted to apply another tourniquet
6 high and tight.

7 And at that point, I utilized the only
8 tourniquet I had on me, so I yelled to the other
9 officers, Get tourniquets out; get tourniquets
10 out.

11 Q. Can you describe what that injury looked
12 like?

13 A. It was a slash to the wrist, and it looked
14 pretty deep.

15 And it was bleeding, but I don't know if
16 it was arterial or not, but I just wanted to
17 prevent any blood loss from happening to him any
18 further, so I applied that tourniquet as well,
19 high and tight to the arm.

20 Q. What else?

21 What did you do next?

22 A. And as we were assessing the body, Officer
23 Ferreira was removing his pants with other
24 officers to check for other injuries.

25 And that's when Officer Ferreira noticed a

1 gunshot wound on his leg, and at that point he
2 started applying a tourniquet to his leg, and I
3 remember talking to Jimmy.

4 I was like, Make sure that tourniquet is
5 high and tight, make sure it is high and tight.

6 And I had him secure that, and he secured
7 that tourniquet on him.

8 Q. And which leg was that, if you know?

9 A. It was -- I can't give you an exact answer,
10 but I believe it might have been the right leg.

11 Q. What happened after Officer Ferreira did
12 that?

13 A. So I continued the assessment of the body,
14 and I noticed that he had two gunshot wounds in
15 the torso area.

16 One had a chest seal on it, and then the
17 other one looked like it failed, maybe due to the
18 amount of blood in the area.

19 So, at that point, I made an improvised
20 chest seal that -- from my training.

21 And what that was, it was gauze to cover
22 the wound, and I used a rubber glove to prevent
23 any air from entering the chest cavity.

24 And I sealed that with my hands and made
25 an improvised chest seal.

1 Q. How did you know how to make an improvised
2 chest seal?

3 A. Through my training in the military, as well
4 as a tactical medical practitioner.

5 Q. What happened next?

6 A. And, you know, as we were treating him, we
7 were assessing the body for more injuries,
8 checking all over.

9 And at that point I noticed he was on the
10 cold ground, and I wanted to prevent and treat
11 for shock.

12 So I yelled at officers to grab a blanket
13 so we can get him off the floor and move him to
14 an area to prevent thermal heat loss.

15 Q. And did -- did officers respond to your
16 request?

17 A. Yes.

18 Officers left the area and a blanket was
19 produced.

20 Where it was produced from, I could not
21 tell you.

22 But as soon as the blanket was laid out, I
23 instructed officers to lay it flat on the ground,
24 and we are going to pick him up and move him from
25 the cold ground to the blanket to prevent that

1 heat loss.

2 Q. Do you remember anything about the weather
3 that night?

4 A. I remember it was a cold day, but that's
5 about it.

6 Q. So you put him on -- so he was placed on the
7 blanket?

8 A. He was placed on the blanket, yes, because I
9 wanted to prevent the heat loss from the body
10 into the ground.

11 Q. And what happened next?

12 A. At that point, Pro EMS arrived shortly after;
13 and, because he was on a blanket, I instructed
14 officers that we're going to use this blanket as
15 an improvised stretcher.

16 And officers picked him up from -- one
17 officer was at the head; officer was at the feet,
18 and I maintained my position at the torso so I
19 could also pick him up to prevent spinal movement
20 or anything like that, but also to maintain
21 pressure on that chest seal.

22 And then we picked him up, we placed him
23 on the stretcher, and we rushed him to the back
24 of the ambulance.

25 Q. So you're physically, with your hand,

1 applying pressure during this time?

2 A. Yes.

3 Q. Why?

4 A. To prevent the chest seal from peeling and
5 air from entering the cavity of the chest.

6 Q. And so you say, Rush him into the ambulance.

7 Did you go into the ambulance with him?

8 A. I did.

9 Q. Are you aware now that there is a video of
10 this individual in the back of the ambulance?

11 A. Yes, I am aware now.

12 Q. Are you -- were you recently shown that
13 video?

14 A. I was.

15 Q. Did you see yourself in that video?

16 A. I did.

17 MS. SPIROS: With the Court's permission,
18 we'd just like to play that portion of the video.

19 THE COURT: Sure.

20 MS. SPIROS: This is from Exhibit 14.

21 Just one moment.

22 (Pause.)

23 MS. SPIROS: Your Honor, with the Court's
24 permission, could we have the officer approach
25 the monitor?

1 THE COURT: Oh, yeah, of course.

2 You want to get closer?

3 THE WITNESS: Thank you, your Honor.

4 BY MS. SPIROS:

5 Q. I'd just ask you, Officer, if you could, once
6 the video starts, point out anything that you --
7 if you can observe yourself and also what's
8 happening at the time.

9 MS. SPIROS: Whenever you're ready,
10 Caroline.

11 (Discussion held off the record.)

12 (11:05 a.m. - video is played.)

13 THE WITNESS: That's me in the back
14 trying to hold pressure on the chest (inaudible).

15 I had to release it as (inaudible).

16 That's also me (inaudible).

17 MS. SPIROS: Can you pause it for a
18 second?

19 BY MS. SPIROS:

20 Q. Do you know what's happening at the point
21 where you hear that voice?

22 A. Yes.

23 So at that point, he's -- he's yelling,
24 and reaching down and (inaudible) pressure on the
25 chest seal.

1 Q. When you say he's reaching down, what is he
2 doing? If you know.

3 A. Moving his hands from up; down here, and at
4 the time I was worried that he was going to come
5 up (inaudible).

6 Q. Okay.

7 A. And this is me --

8 MS. SPIROS: Can you pause it again?

9 BY MS. SPIROS:

10 Q. And so can we hear your voice on there?

11 A. Yes.

12 You hear -- I keep saying, Prepare to help
13 me, prepare to help me.

14 And at this point, you can see my hand
15 moving his hand back stopping (inaudible).

16 And now (inaudible) it back to maintain
17 pressure.

18 MS. SPIROS: Thank you. You can resume
19 the stand.

20 BY MS. SPIROS:

21 Q. Can you describe for the Court, please, if
22 you can -- we saw that glimpse into the ambulance
23 there and that initial interaction that you
24 had -- or I shouldn't say interaction, but what
25 you were saying and the noises coming from the

1 individual.

2 Can you describe the rest of the ambulance
3 ride and where you went?

4 A. We went to MGH, Massachusetts General
5 Hospital.

6 And the rest of the ambulance ride was
7 very similar to that with -- just trying to
8 maintain -- keep him calm to prevent shock from
9 kicking in.

10 And he just was very irate the whole ride,
11 you know, and, like I said, that smile was on his
12 face the whole time and it was just something
13 that was very unusual to me because of the
14 condition he was in, so...

15 Q. What -- did he say anything to you in the
16 ride?

17 A. He -- he was talking a little bit, but I
18 don't really recall, just because the experience.

19 Like, and I wish I did to provide an
20 answer.

21 Q. But do you know how long it took to get to
22 the hospital?

23 Was it a short drive?

24 A. It was a short drive. We -- I know that.
25 That was probably the fastest I ever got to MGH.

1 Q. What was -- what happened when you got there?

2 A. So when we got to the hospital, he was still
3 in handcuffs and we followed him back into the
4 emergency room.

5 And I made it a point to let hospital
6 staff know that I had handcuff keys if they
7 needed it.

8 And at that point, Sergeant Mokey
9 (phonetic) took over and he was --

10 Q. Sergeant Mokey took over?

11 A. Sergeant Mokey, because he showed up as the
12 supervisor at the hospital, and he was like, he
13 took the key from my hand and he was like, You're
14 all set, you're all set, like...

15 Q. So at that point you handed over care to
16 MGH --

17 A. Yes.

18 Q. -- and your responsibility to the sergeant?

19 A. Yes. So I handed it over to a high level of
20 medical care.

21 MS. SPIROS: If I could just have a
22 moment, your Honor.

23 THE COURT: Sure.

24 MS. SPIROS: Nothing further.

25 THE COURT: All right. Thank you.

1 Attorney Anderson?

2 EXAMINATION

3 BY MR. ANDERSON:

4 Q. Just -- you just mentioned a quick ride to
5 Mass. General.

6 Do you know if there was a motorcycle
7 escort that was going and blocking intersections
8 and traffic for you?

9 A. So I was told that there was.

10 And when I was in the back of the
11 ambulance, you know, it would make sense how fast
12 we were traveling, but, like, was I paying
13 attention to that?

14 Absolutely not, you know, so...

15 Q. Okay.

16 MR. ANDERSON: I have nothing else.

17 THE WITNESS: Thank you.

18 THE COURT: All right. Attorney
19 Kazarosian.

20 MS. KAZAROSIAN: Thank you.

21 EXAMINATION

22 BY MS. KAZAROSIAN:

23 Q. Good morning, Officer Watson.

24 I'm Marsha Kazarosian, and I represent the
25 family of Mr. Faisal.

1 A. Good morning.

2 Q. You keep using the word "irate," and then
3 saying you thought he was irate because he was
4 smiling.

5 When you -- when you're saying "irate,"
6 are you meaning he's angry?

7 A. Irate is an -- I'm using that because he was
8 very agitated --

9 Q. Okay.

10 A. -- by the expressions, and just his
11 mannerisms was unusual, like, with the keep
12 trying to reach down, take off lifesaving
13 measures, the smile, the comments he was saying
14 to me.

15 And I -- like I said before, I wish I
16 could recall how he was responding, but it was
17 just odd to me when you're trying to save
18 somebody's life and help them to be smiling at
19 you and treating you that way, so...

20 Q. But you don't mean angry?

21 A. I necessarily can't answer that. I -- I
22 don't know if he was angry or not.

23 I don't know what feelings he was feeling
24 at that time.

25 Q. But you -- so you saw him smiling and -- and

1 it was his --

2 A. It was his --

3 Q. -- body movements?

4 A. It was his body movements, yes.

5 Q. He was handcuffed on the ground at the scene.

6 Were the handcuffs in front?

7 Were his hands in front of him cuffed?

8 A. Yes.

9 Q. Do you recall when he was in the ambulance --
10 and I don't know if you saw it there, but you
11 have seen the video before of -- of him coming in
12 the ambulance, correct?

13 A. Yes.

14 Q. Recently?

15 A. Yes.

16 Q. Do you recall when he was coming in, his
17 hand is up here by -- his left hand is up by his
18 head?

19 A. Both hands are up there.

20 Q. Okay. So both --

21 A. Because -- this is --

22 Q. So this is when he was handcuffed and both
23 hands were up there?

24 A. Yes.

25 Q. And then they came back down?

1 A. Yes.

2 Q. And when you -- were you able to calm him
3 down so that he could stop taking or --

4 A. I was -- I was attempting to with the -- let
5 him know we're here to help.

6 And that's why I took his hands and moved
7 his hands back up to prevent lifesaving measures
8 from coming off.

9 MS. KAZAROSIAN: Okay. All right. I
10 have no further questions.

11 THE COURT: All right. Thank you.

12 All right. Thank you, Officer.

13 You may step down.

14 THE WITNESS: Thank you, your Honor.

15 (Witness excused.)

16 MS. KAZAROSIAN: Your Honor, could I go
17 get my client again, because he stepped out for
18 this (inaudible)?

19 THE COURT: Sure.

20 MS. KAZAROSIAN: Oh, maybe I won't.

21 THE COURT: Oh, okay.

22 MS. SPIROS: We have Officer Khalid.

23 After that, your Honor, may we take a
24 very quick bathroom break?

25 THE COURT: Sure.

1 Do you want to take one now?

2 MS. SPIROS: I can wait. I can wait.

3 THE COURT: You sure?

4 MS. SPIROS: Thank you.

5 THE COURT: All right.

6 MS. SPIROS: This is a very short
7 witness.

8 THE COURT: I'll hold you to it.

9 MS. SPIROS: Muhammad Khalid.

10 THE COURT OFFICER: Officer Khalid.

11 THE CLERK: Raise your right hand.

12 You're going to sit up in that seat right
13 there.

14 Do you swear to tell this Court the
15 truth, the whole truth, and nothing but the truth
16 under the pains and penalties of perjury?

17 THE WITNESS: I do.

18 THE CLERK: Thank you very much.

19 MUHAMMAD KHALID, SWORN

20 THE COURT: All right. Good morning,
21 Officer.

22 THE WITNESS: Good morning.

23 THE COURT: Officer, you're probably
24 aware there's a sequestration order; but there's
25 also -- because of the nature of these

1 proceedings, it's a closed hearing, and it's
2 going to remain closed until it becomes public at
3 a much later date.

4 So I'm going to ask that you not discuss
5 your testimony with anyone until this hearing
6 becomes public; that includes fellow officers.

7 But, of course, if you have an attorney,
8 that wouldn't apply, okay?

9 THE WITNESS: Yes, sir.

10 THE COURT: All right. Thank you,
11 Officer.

12 Attorney --

13 MS. KAZAROSIAN: Your Honor, before the
14 (inaudible), I'm wondering if you could just let
15 the witnesses know that the microphone doesn't
16 amplify --

17 THE COURT: Oh, okay.

18 MS. KAZAROSIAN: -- if you could, because
19 sometimes --

20 THE COURT: Sure.

21 MS. KAZAROSIAN: -- I think they think it
22 amplifies.

23 THE COURT: Sure.

24 You heard that?

25 It doesn't amplify -- it just records --

1 so try to keep your voice up.

2 THE WITNESS: I -- I heard that.

3 THE COURT: Especially because we've
4 got -- we've got competition with the traffic
5 behind us, okay?

6 THE WITNESS: Yeah.

7 THE COURT: Thank you.

8 MS. SPIROS: Thank you.

9 EXAMINATION

10 BY MS. SPIROS:

11 Q. Good morning, sir.

12 A. Good morning.

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

16 A. My name is Muhammad Khalid. First name goes
17 M-U-H-A-M-M-A-D and last name Khalid,
18 K-H-A-L-I-D.

19 Q. Sir, how are you employed?

20 A. I work for the City of Cambridge as a police
21 officer.

22 Q. How long have you been a police officer?

23 A. Five years.

24 Q. And do you have any prior law enforcement or
25 military experience?

1 A. No, ma'am.

2 Q. And in terms of the Cambridge Police
3 Department, what is your current role?

4 A. I'm a patrol officer.

5 Q. And were you also a patrol officer back in
6 January of this year?

7 A. Yes, ma'am.

8 Q. Do you have a particular area that you patrol
9 or does it vary?

10 A. It depends.

11 We bid every six months, but I generally
12 stay in Sector 1 area, which is the Galleria Mall
13 up to Inman Square.

14 Q. Sir, do you speak more than one language?

15 A. Yes, ma'am.

16 Q. Can you tell the Court what languages you
17 speak?

18 A. English, of course, which I recently learned,
19 and Urdu. I understand Hindi, Punjabi, which is
20 a different dialect of Urdu.

21 Q. And those languages, have you -- did you grow
22 up with those languages?

23 A. Yes, ma'am, not English.

24 Q. And so I want to ask your -- ask you to focus
25 your attention now on January 4th of 2023.

1 Did you receive a call to assist on that
2 day?

3 A. Yes, ma'am.

4 Q. Can you describe how that call came to you?

5 A. I was on my way to work for my first half
6 shift, which goes from 3 p.m. to 11 p.m.

7 And I left my home at 2 p.m. to be on my
8 shift on time, and I received a call from one of
9 my supervisors, Sergeant Mokey, around 2:14, to
10 go to MGH Hospital straight and not come to the
11 station.

12 And I was informed about an
13 officer-involved shooting, and that is why they
14 send me to MGH and go there and stand by for
15 further instructions.

16 Q. And you said you were informed about an
17 officer-involved shooting.

18 Were you given any details at that point?

19 A. No, ma'am.

20 Q. You were not part of the response at the
21 scene at all?

22 A. Not at all.

23 Q. Okay. And so, as a result of getting the
24 call from the sergeant, what did you do?

25 A. So I went straight to MGH and went to the

1 security desk, and they took me to the OR, 37, I
2 believe it was, and that's where I stood by.

3 Q. And when you stood by there, what happened
4 next?

5 A. So there were a deputy from Cambridge PD
6 there, two detectives, and one State Police
7 detective, I believe was there.

8 And later I was informed the -- the person
9 who was shot was a Muslim community member from
10 Bangladesh.

11 And I heard the parents were coming over
12 to see their son, and they did not speak English,
13 but they spoke Bengali.

14 And, generally, when people speak Bengali,
15 they also understand Urdu.

16 So I informed my deputy there that I -- I
17 may be able to assist in the meantime to -- in
18 the meantime when you have translator or
19 something like that.

20 Q. And you said the individual who had been
21 shot.

22 Did you come to learn his name?

23 A. Yes.

24 At that time, I only heard his name was
25 Faisal.

1 Q. And so at -- you stood by.

2 What happened next?

3 A. And then the parents arrived.

4 The mom arrived first, Ms. Bagam
5 (phonetic) arrived first, and she was crying
6 already, but she already knew that their son has
7 passed.

8 And they asked me what happened and I told
9 them the same thing, I don't know what happened.
10 I'm just here to help you guys.

11 And then the father came. And mom
12 understood more English than the father did.

13 My main -- my communication with the
14 father was purely in Urdu, but mom was speaking a
15 little bit Urdu English mix; a mixture of that.

16 Q. So you said the mother knew.

17 Did -- did you speak with the father?

18 How did -- what was the interaction with
19 the father?

20 A. Same thing.

21 They asked me what happened and I told
22 them what was going on, but I don't have any
23 specifics on the case, and I was not involved at
24 all.

25 Q. And did you tell them -- did you take them

1 somewhere -- tell them you were taking them
2 somewhere?

3 A. Correct.

4 They were there to see their son, and I
5 told them that I'll be taking them to where --
6 where their son was kept.

7 And I informed them they won't be allowed
8 to touch him at all, and they agreed.

9 And then we -- and then I took them to
10 Room 24, I believe it was.

11 Q. Did you explain why they couldn't touch him?

12 A. I was told by the senior officers they can't
13 touch him.

14 Q. What happened next, sir?

15 A. So once in the room, Faisal was covered; his
16 face was visible.

17 And once mom and dad saw, Mr. Mujibullah
18 started crying. He laid down on the ground. And
19 at that time, I was taking care of the mom.

20 I sat her on the chair, and I notice
21 Mujibullah -- Mr. Mujibullah was starting banging
22 his head on the floor, so I laid down on the
23 ground with him and held his head and helped him
24 up back on the chair.

25 Q. What happened after that?

1 A. Then the mom -- because mom knew because
2 when -- when I greeted them at the door, I told
3 them assalamu alaikum, so they knew I'm Muslim,
4 too, so mom wanted me if I can -- mom wanted --

5 Q. Take your time, sir.

6 A. Mom asked me if I -- if I could pray with
7 them.

8 So I -- I led the prayer for mom and dad.
9 That was the first prayer after Faisal was
10 passed. And that calmed them down.

11 Q. What do you remember happening next?

12 A. Then I believe father asked me to -- if he
13 could see his feet, Faisal's feet.

14 And I asked the nurses in the room, Can I
15 lift the sheet from the feet?

16 And the nurses says, Yes.

17 And then I lifted the sheet from the feet;
18 dad saw it, and then I covered them back up.

19 Q. After that, what happened?

20 A. After that, I -- they take their time to stay
21 there.

22 And, after that, I asked them if they're
23 okay to leave, and they agreed.

24 And then I asked if they're okay to speak
25 to the detectives on-scene in a different room,

1 and they agreed to that, too.

2 Q. So were they taken somewhere else?

3 A. Yes.

4 They were taken outside the OR in the
5 general area we were waiting, and they sat in one
6 of the nurse's room -- an office, I guess it was,
7 where they used the Bengali interpreter and
8 then --

9 Q. That was a hospital interpreter?

10 A. Yes. They had someone on the -- on the Zoom.

11 Q. Did you participate in those interviews?

12 A. No, ma'am.

13 Q. Where did you stay?

14 A. Outside the door.

15 Q. And what happened after that, sir?

16 A. There were -- more family was coming.

17 And at one point, and we were cleared to
18 go, I think everything was done that was needed
19 to be done by the police side of it.

20 And then I think they gave custody of the
21 deceased to the family or did it later, but I was
22 cleared from the hospital.

23 MS. SPIROS: One moment.

24 Nothing further.

25 THE COURT: All right. Thank you.

1 Attorney Anderson, any questions?

2 MR. ANDERSON: I do have a couple
3 questions, if the Court will permit this line of
4 inquiry.

5 EXAMINATION

6 BY MR. ANDERSON:

7 Q. You indicated that you're Muslim?

8 A. Yes, sir.

9 Q. And where did you grow up?

10 A. Pakistan.

11 Q. And at what age did you come to the United
12 States?

13 A. I was 16, 17; 2010.

14 Q. Okay. So, growing up, were you familiar with
15 the Muslim faith?

16 A. Yes.

17 Q. And you're familiar with the Quran?

18 A. Yes, sir.

19 Q. And do you know what the Quran's teachings
20 are about suicide?

21 THE COURT: I'm not going to allow this
22 (inaudible).

23 MR. ANDERSON: Could we just approach?

24 THE COURT: No, no. I'm not going to
25 allow these questions.

1 MR. ANDERSON: Okay.

2 THE COURT: All right.

3 MR. ANDERSON: I have no further
4 questions.

5 THE COURT: All right. Attorney
6 Kazarosian?

7 MS. KAZAROSIAN: I have no questions.

8 THE COURT: All right. Thank you,
9 Officer.

10 THE WITNESS: Thank you.

11 MS. SPIROS: Thank you. All set.

12 (Witness excused.)

13 MS. SPIROS: May I have the bathroom
14 break now, your Honor?

15 THE COURT: Absolutely.

16 MS. SPIROS: Thank you.

17 THE COURT OFFICER: Court is in recess.

18 All rise.

19 (11:20 a.m. court in recess.)

20 (11:34 a.m. court resumes.)

21 THE COURT OFFICER: You may be seated.

22 THE COURT: All right. Attorney Spiros.

23 MS. SPIROS: Thank you, your Honor.

24 Trooper Francis Torres.

25 And, your Honor, this is the witness who

1 has the physical evidence --

2 THE COURT: All right. Sure.

3 MS. SPIROS: -- so he has a box with
4 him --

5 THE COURT: Sure. All right.

6 MS. SPIROS: -- which I'll just ask to
7 take (indiscernible).

8 THE CLERK: Do you solemnly swear to tell
9 the truth, the whole truth, and nothing but the
10 truth, under the pains and penalties of perjury?

11 THE WITNESS: I do.

12 THE CLERK: Thank you very much.

13 FRANCIS TORRES, SWORN

14 THE COURT: Good morning, Trooper.

15 THE WITNESS: Good morning, your Honor.

16 THE COURT: Trooper, I'm sure you're
17 aware there's a sequestration order, but in
18 addition to that, because of the nature of these
19 proceedings, it's a closed hearing.

20 And it might not become public for a
21 number of days, if not weeks, so I'm going to ask
22 you not to discuss your testimony here today with
23 anybody until this matter becomes public, okay?
24 Obviously you can speak to the ADA about it,
25 okay?

1 THE WITNESS: Understood, your Honor.

2 THE COURT: All right. Thank you.

3 THE WITNESS: Thank you.

4 MS. SPIROS: Thank you.

5 THE COURT: Trooper Spiros.

6 EXAMINATION

7 BY MS. SPIROS:

8 Q. Good morning, sir.

9 A. Good morning.

10 THE COURT: Not Trooper Spiros, ADA

11 Spiros.

12 BY MS. SPIROS:

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

16 A. Good morning.

17 My name is Francis Torres.

18 My first name is F-R-A-N-C-I-S, and my
19 last name is T-O-R-R-E-S.

20 Q. How are you employed, sir?

21 A. I am a trooper with the Massachusetts State
22 Police, and I'm assigned to the Middlesex
23 District Attorney's Office.

24 Q. And before I ask you more about that role,
25 have you had other law enforcement experience

1 prior to joining State Police?

2 A. Yes.

3 Q. Can you describe that briefly?

4 A. Absolutely.

5 Prior to the State Police I was a
6 Framingham police officer from 2014 to 2020.

7 And my last few years I was assigned to
8 the Detective Bureau, and prior to that, 2012 to
9 2014, I was a Clark University police officer at
10 Clark University in the City of Worcester.

11 Q. Any military experience?

12 A. No.

13 Q. Can you tell the Court a little bit about
14 your educational background?

15 A. So, in 2012, I attended Becker College and I
16 was able to obtain a bachelor's degree in
17 criminal justice.

18 Q. Thank you.

19 I want to focus now on your role that you
20 currently have with the State Police detective
21 unit.

22 Is that the one that's assigned to the
23 Middlesex District Attorney's Office?

24 A. Yes.

25 Q. And can you describe what your role is in

1 that unit?

2 A. So, in that unit, I am tasked with
3 investigating death cases, whether it's an
4 overdose, a homicide, an unattended death, or an
5 officer-involved shooting.

6 Q. And can you tell us in terms of how your unit
7 works, are you assigned with a partner, or do you
8 work in teams?

9 Can you tell us about that?

10 A. Yeah.

11 So currently I am assigned -- I have a
12 partner, Trooper Pat O'Keefe, Patrick O'Keefe,
13 and we have a supervisor assigned to us.

14 So every time that we go out to a call, it
15 depends.

16 If it's something that I can handle
17 myself, then I will go myself and I can assess
18 the situation from there.

19 If it's something that requires more
20 assets, then my partner, Patrick O'Keefe, would
21 come out, or even a supervisor, who would be
22 Lieutenant Eric Gagnon.

23 Q. And so Trooper O'Keefe assisted you on the
24 case that brings you to court; is that right?

25 A. That's correct.

1 Q. And as well as your supervisor also
2 responded?

3 A. That's correct.

4 Q. And was the actual unit commander also
5 present and assisting in this case?

6 A. That's correct.

7 Q. And who is that?

8 A. Lieutenant -- Detective Lieutenant William
9 Donoghue.

10 Q. And so can you talk a little bit about how
11 the State Police works with a local city and town
12 when you get called in to assist on a death case,
13 and particularly a homicide?

14 A. Absolutely.

15 I respond to the scene. And one of my
16 duties is to assess the scene once I get there.

17 I look at what assets are needed. We work
18 with many different units from the State Police
19 and other agencies.

20 For example, do we need crime scene
21 services?

22 Do we need a chemist at the scene. I also
23 get together with the local police department.
24 We figure out what the scene overview is.

25 I -- I get together with the primary from

1 that agency, and we work hand-in-hand to conduct
2 the investigation.

3 Q. And so you mentioned Crime Scene Services.

4 What is that, sir?

5 A. Crime Scene Services is a unit. The Crime
6 Scene Services section is a unit from the
7 Massachusetts State Police.

8 And they assist us with the -- digitally
9 documenting photographs. They also take videos
10 of the scene, in that manner.

11 Q. And so those are sworn troopers; is that
12 right?

13 A. That's correct.

14 Q. And that's in comparison to, I think you
15 mentioned a chemist, and they're the ones who
16 are -- also work at the lab but are civilians?

17 A. That is correct.

18 Q. And so on -- those are two of the assets that
19 you indicated you could call out.

20 Can you talk about some of the other
21 assets, particularly in this case, that you
22 considered and maybe did call out?

23 A. I believe we ended up calling out SERT, and I
24 apologize for the acronym, but I -- I can't
25 remember what it stands for.

1 But it -- they're kind of a search and
2 rescue unit, and they assist walking the
3 scene; making sure no articles of evidence were
4 missing.

5 We also called out, I believe, CARS, which
6 is the -- they do crash investigations, but they
7 also have equipment that is able to assist with
8 mapping scenes, and that's the reason they were
9 there.

10 Q. And as parts of the SERT Team as well, they
11 do some specialized mapping as well, do they not?

12 A. That's correct.

13 Q. And so, fair to say, this situation that
14 brings you to court involved a lot of different
15 assets?

16 A. Yes.

17 Q. So I want to focus a little bit on that.

18 Do you recall how it was that you became
19 apprised of this and needed to respond to the
20 scene?

21 A. Yes.

22 I was actually at the office in Woburn at
23 the DA's Office, and I was notified by Trooper
24 Mark Delaney that there was a shooting in the
25 City of Cambridge.

1 Q. And so, as a result of being notified by
2 Trooper Delaney, what did you do?

3 A. At that point I notified my supervisor,
4 Lieutenant Eric Gagnon.

5 I notified Trooper Patrick O'Keefe of what
6 was going on; and I immediately went to the City
7 of Cambridge, right to the scene.

8 Q. And what happened when you -- just when you
9 first got there?

10 A. When I got there, I met with several
11 Cambridge police officers that were at the
12 scene.

13 I introduced myself and I spoke with the
14 primary detective that I saw at the scene.

15 I don't know if he was assigned to it at
16 that moment, but --

17 Q. Who was that?

18 A. Detective McNeill from the Cambridge Police
19 Department.

20 Q. And did you ultimately end up sort of being
21 partnered up or assisted by a Cambridge police
22 officer, a detective?

23 A. That's correct.

24 Q. And who was that?

25 A. Detective Dave Barkhouse.

1 Q. And so when you -- when you first arrived,
2 did you get a briefing as to sort of what had
3 transpired?

4 A. That's correct.

5 Q. What was happening when you first got there?

6 A. When I got there, the scene was already
7 secured and I went straight from the office
8 there, the scene was secured.

9 They made sure that I was law enforcement.
10 I explained to them who I was and why I was
11 there. Someone took my name down. I was able
12 to -- to pass the scene tape.

13 And when I got there, I went right to
14 59 Chestnut Street, and I noticed that there was
15 a driveway on the right side of the house, and I
16 believe that there were some police officers in
17 the back.

18 Q. And did you go down into that area?

19 A. I did.

20 Q. Can you describe what you saw?

21 A. So I was walking down the driveway, there
22 was a vehicle parked in the driveway, red in
23 color.

24 I believe that on the ground near that car
25 there was a less-lethal round that was on the

1 ground, or the casing of it, and when I kept
2 going towards the backyard, the cement turns into
3 grass, which is the backyard.

4 About halfway down prior to get into the
5 fence at the back, I observed some items that
6 were on the ground.

7 Q. And so, just before I ask you about those
8 items, you said the scene was secure. What does
9 that mean?

10 A. By "secure" it means that the police presence
11 is there. No one else is allowed inside that
12 crime scene, so nothing can be disturbed.

13 Q. And so from a very basic level, there's,
14 like, tape, crime scene tape up?

15 A. Yeah. So there's crime scene tape, and they
16 did -- actually did a really good job.

17 They blocked the street further out, and
18 then there was another section of tape that was
19 at the driveway.

20 And there were police officers on each
21 side of the house, so no one could go in there.

22 Q. And so you indicated that you saw that
23 less-lethal round.

24 At that point, had any placards even been
25 put down, if you know?

1 A. I don't remember seeing placards.

2 Q. Okay. And the placards, those are the
3 numbered yellow signs that crime scene brings
4 out --

5 A. That's correct.

6 Q. -- and puts down, used to document evidence?

7 A. That's correct.

8 Q. The location of evidence, I should say.

9 A. That's correct.

10 Q. Okay. And so, as you walked into the
11 backyard -- and let me ask you, when you
12 responded, what was the lighting like?

13 A. It was daylight. The sun was out. It was
14 shining bright.

15 Q. And so what did you observe in that backyard?

16 A. In the backyard, as I walked towards
17 the -- towards the back, towards the grassy area,
18 there was a large knife that was bloody that was
19 on the ground.

20 There was what appeared to be religious
21 literature that was on the ground as well.

22 I believe there was blood that was also on
23 the scene.

24 Q. The religious literature, did you later learn
25 what that was?

1 A. Yes.

2 Q. What was it?

3 A. The Quran.

4 Q. And so you also mentioned there was a large
5 knife?

6 A. There was.

7 Q. Did you -- were you able to observe anything
8 about it? What it looked like? If it had
9 anything on it?

10 A. Yeah.

11 So it appeared to be, I would say
12 approximately maybe, like, two feet. It was
13 curved. It -- it had a -- a pretty distinct
14 blade. And I believe the handle was brown in
15 color.

16 Q. And how about the -- what you later learned
17 was a Quran, anything you could observe about the
18 condition that that book was in?

19 A. So when I saw it, it was open to -- to a
20 page, and I believe that there was blood on the
21 Quran.

22 Q. Are you aware, sir, from the investigation
23 that those items were collected?

24 A. Yes.

25 Q. And preserved in evidence?

1 A. That's correct.

2 Q. And that at some point they -- one of them
3 may have gone to the lab, but was then returned
4 to your custody at the State Police?

5 A. That's correct.

6 MS. SPIROS: Your Honor, with the Court's
7 permission, may I show the investigator two of
8 the items that he's speaking about?

9 THE COURT: Sure.

10 MS. SPIROS: And may I approach with some
11 gloves?

12 I would be asking, your Honor, once we
13 remove the knife from the box if your Honor might
14 be inclined to feel the weight of it.

15 THE COURT: Okay. Sure.

16 MS. SPIROS: It's quite heavy, so if I
17 could provide the Court with that as well.

18 THE COURT: Sure. All right.

19 MS. SPIROS: Your Honor.

20 THE COURT: Thank you. Thank you.

21 BY MS. SPIROS:

22 Q. Sir, first I'm just going to show you, if I
23 can, the box.

24 Is this a very standard box for bladed --
25 bladed weapons?

1 A. Yes, it is.

2 Q. And is it a thicker type of cardboard?

3 A. Yes, it is.

4 Q. Is that to ensure that no one is harmed by
5 holding the box with a knife in it?

6 A. That's correct.

7 Q. Okay. And then we sort of see a lot of
8 numbering and this red tape.

9 What is the red tape?

10 A. So the red tape indicates that it has been
11 sealed, and no one else has gone in it prior to
12 today.

13 And then the numberings that you see
14 there, one is biohazard because of the contents
15 inside of the box.

16 And there's a lot of numbers in there that
17 belong to the -- to the lab when they do their
18 processing of the knife.

19 Q. And you (indiscernible) the lab number,
20 correct?

21 A. That's correct.

22 Q. And so did I ask -- did this come to the
23 courthouse with you today?

24 A. Yes.

25 Q. Was it sealed?

1 A. Yes.

2 Q. Did I ask you to cut it open prior to coming
3 in so that we would not -- you could use the
4 Court's time efficiently while you were on the
5 stand?

6 A. That's correct.

7 Q. Did you do that?

8 A. Yes.

9 MS. SPIROS: With the Court's permission,
10 I'd like to open it.

11 THE COURT: Sure.

12 MS. SPIROS: I'm just going to display
13 it.

14 BY MS. SPIROS:

15 Q. Is this the knife that you saw in the
16 backyard at 59 Chestnut Street?

17 A. That is correct.

18 MS. SPIROS: I'll show the Court.

19 And, with the Court's permission, if I
20 could remove it to show both sides.

21 THE COURT: Sure.

22 BY MS. SPIROS:

23 Q. And, sir, as we look at this -- thank you.

24 As we look at this, is there a name
25 inscribed on the knife?

1 A. Yes, there is.

2 Q. What is it?

3 A. Arif Sayed.

4 MS. SPIROS: I'll show the Court.

5 If I could turn it over.

6 THE COURT: Sure.

7 MS. SPIROS: This is the other side.

8 THE COURT: Okay.

9 MS. SPIROS: And with the Court's
10 permission, if I could ask the Judge just to hold
11 it --

12 THE COURT: Sure.

13 MS. SPIROS: -- to feel the weight.

14 Is that okay with the court officer?

15 Thank you.

16 Would either of the other attorneys like
17 to see it also?

18 Should I bring it over there?

19 With the Court's permission, may I bring
20 it to the other lawyers?

21 THE COURT: Sure.

22 MR. ANDERSON: I don't (inaudible).

23 MS. SPIROS: Is that (inaudible)?

24 MR. ANDERSON: Yeah.

25 MS. SPIROS: And, your Honor, we

1 discussed this earlier; I believe you indicated
2 that we were going to return the physical knife
3 back to the custody of State Police --

4 THE COURT: To the State Police, yup.

5 MS. SPIROS: -- and not keep it with the
6 Court.

7 THE COURT: Yeah, because we have a photo
8 of that in evidence already.

9 I think -- believe a separate exhibit as
10 well as in the (indiscernible), which I
11 (inaudible).

12 MS. SPIROS: May I approach?

13 THE COURT: You may.

14 BY MS. SPIROS:

15 Q. And, sir, you brought a second item with you
16 today?

17 A. I did.

18 Q. Is this the Quran that we had spoken about?

19 A. That's correct.

20 Q. And this is a standard evidence bag that you
21 would use to contain evidence that were not
22 bladed like that?

23 A. That's correct.

24 Q. Okay. And, again, the (inaudible) numbering
25 here?

1 A. Yes.

2 Q. Okay.

3 MS. SPIROS: With the Court's permission,
4 may I remove it?

5 THE COURT: Sure.

6 MS. SPIROS: Just showing both sides,
7 particularly the (inaudible) here.

8 BY MS. SPIROS:

9 Q. And when you saw it, sir, it was open,
10 correct?

11 You're not sure what page, but it was
12 open?

13 A. That's correct.

14 Q. Okay. And you observed what you believed to
15 be blood on the sides of this?

16 A. Yes.

17 Q. Is this the same item you saw on the ground
18 in the backyard at 59 Chestnut?

19 A. It is.

20 Q. In the -- in similar or the same condition?

21 A. That's correct.

22 Q. Thank you.

23 And you brought this item to the
24 courthouse today?

25 A. I did.

1 Q. Thank you.

2 MS. SPIROS: Do either of the attorneys
3 want to see the evidence?

4 THE CLERK: (Inaudible) here.

5 MS. SPIROS: Thank you. Thanks.

6 (Pause.)

7 BY MS. SPIROS:

8 Q. Sir, I want to talk about -- take you back to
9 that moment where you're in the backyard and
10 you're observing some items.

11 At that point is there actual activity in
12 the backyard, or are there other officers, if you
13 know?

14 A. There were Cambridge police officers in the
15 backyard, myself, and I was getting an overview
16 of what the scene looked like.

17 Q. What happened next, sir, for you?

18 A. There was a witness next door --

19 Q. Um-hum.

20 A. -- who I was able to speak to.

21 Q. Can you tell us about who that witness was
22 and what you were able to learn?

23 A. Absolutely.

24 It's the house right next-door,
25 55 Chestnut Street, Apartment 2. And that was

1 Samuel Stubbs.

2 Q. And did Mr. Stubbs indicate to you that he
3 had some information to share with you about what
4 he had observed and indeed recorded?

5 A. That's correct.

6 Q. Can you tell us more about that?

7 A. Absolutely.

8 Detective McNeill and I spoke with
9 Mr. Stubbs at the Cambridge Police Department.

10 He told me that he was -- in the day in
11 question, he was at his parents's house, which
12 is 55 Chestnut Street, Apartment 2, just the
13 house -- if you're looking at 59, it's the house
14 just to the right.

15 He's in the living room watching TV, and
16 he was able to hear a commotion outside.

17 He couldn't tell exactly what was being
18 said, so he shut the TV off and he looked out the
19 window.

20 At that moment, he was able to hear a very
21 assertive voice yell, Drop the knife. At that
22 point, he started recording from his cell phone.

23 He was able to observe officers in the
24 driveway of 59 Chestnut running towards the
25 backyard. He heard multiple gunshots.

1 At this point, while recording, he runs to
2 the kitchen.

3 The kitchen is located at the rear of that
4 apartment, and it faces the backyard. And he was
5 able to observe and record, very briefly, the
6 scene.

7 He was able to observe a male that was
8 shirtless on the ground and police officers that
9 were in the backyard.

10 At this point, he stopped recording, and
11 then he was able to see other police officers
12 respond to the scene as well as an ambulance.

13 Q. Did you ask him if you could see that video?

14 A. I did.

15 Q. Did he show it to you?

16 A. Yes, he did.

17 Q. And did you ask him for a copy of that video?

18 A. Yes.

19 Q. Did he provide it to you?

20 A. Yes.

21 Q. And was that video entered into evidence?

22 A. Yes, it was.

23 Q. Are you aware that that video has become part
24 of a compilation that the district attorney's
25 office had made for this case?

1 A. Yes.

2 MS. SPIROS: And before we get to playing
3 that video, if I could just go to the witness and
4 show him --

5 THE COURT: Sure.

6 MS. SPIROS: -- a few photographs, your
7 Honor.

8 THE COURT: Sure.

9 BY MS. SPIROS:

10 Q. You mentioned 55 Chestnut.

11 If you could look through these
12 photographs, sir, and tell me if you recognize
13 what's depicted there.

14 It's actually seven photographs.

15 (Pause.)

16 A. I do.

17 Q. What are these photographs?

18 A. These are photos from the exterior of
19 55 Chestnut, and then from the interior of
20 Apartment 2 of the same residence.

21 Q. Thank you.

22 A. Photos looking out the window, the window
23 overlooks the driveway, and the window that looks
24 out to the backyard.

25 Q. Thank you.

1 MS. SPIROS: If I could ask that this be
2 marked as the next exhibit.

3 THE COURT: All right. We're at 37,
4 right?

5 MS. SPIROS: Yes.

6 (Exhibit No. 37, Photograph, admitted
7 into evidence.)

8 THE CLERK: And can I just record that
9 (inaudible)?

10 MS. SPIROS: Seven.

11 THE CLERK: Seven.

12 MS. SPIROS: Thank you.

13 BY MS. SPIROS:

14 Q. And, sir, I just want to ask you
15 specifically, when you were up there, given that
16 the witness had said that he had this video --
17 that he had taken this video of the incident --
18 did you understand that that video was taken from
19 the second floor?

20 A. That's correct.

21 Q. And at two different locations, correct?

22 A. Yes.

23 Q. And, as an investigator and following up in
24 this case, was it important for you to have a
25 perspective of -- a photograph, of where he

1 would have been when he took those videos --

2 A. Absolutely.

3 Q. -- that video. Okay.

4 So as a result, was a photographer from
5 the State Police or one of the crime scene unit
6 personnel, were they brought in to do that?

7 A. That's correct.

8 Q. Is that part of this packet here?

9 A. It is.

10 Q. And so we have some shots from inside.

11 Is this one of the photographs taken from
12 inside of 55 Chestnut on the second floor looking
13 out to the Chestnut Street area?

14 A. It is.

15 Q. And, in fact, you see some law enforcement
16 personnel that you might know here; is that
17 right?

18 A. That's correct.

19 Q. And then this photograph here, sir, is this,
20 again, from 55 looking out into the driveway of
21 59?

22 A. That is correct.

23 Q. Do you know which window that was taken from,
24 if you --

25 A. That is from the living room.

1 Q. From the living room.

2 And then here we have a photograph.

3 Is this the kitchen at 55 on the second
4 floor?

5 A. That is correct.

6 Q. And then this photograph here, the next in
7 the series, what is this vantage point?

8 A. That is looking out the kitchen window, the
9 window that faces the backyard, looking out to
10 59.

11 Q. Fair to say there's two of those, correct?

12 A. That's correct.

13 Q. And, sir, is it your understanding that the
14 compilation that you have we discussed has the
15 55 Chestnut video as well as a number of other
16 videos incorporated into it?

17 A. That's correct.

18 Q. And that includes the video that was taken
19 from the first caller, the 911 caller in this
20 case?

21 A. That's correct.

22 MS. SPIROS: And at this point, your
23 Honor, since we haven't seen the entire
24 compilation, I'd ask to play it.

25 THE COURT: Sure.

1 MS. SPIROS: How long is it, (inaudible)?

2 MS. EVANS: Three minutes and 31 seconds.

3 MS. SPIROS: It's about three minutes, so
4 not too long.

5 (Discussions held off the record.)

6 (11:57 a.m. video is played.)

7 MS. SPIROS: Can you pause it one second?

8 BY MS. SPIROS:

9 Q. So the first video that we saw, Trooper
10 Torres, that is a shortened version of what is a
11 much longer video; is that correct?

12 A. That is correct.

13 Q. But it shows consistently the same type of
14 self-harm behavior; is that right?

15 A. Yes, it does.

16 Q. And, as we look into this view here, correct
17 me if I'm wrong, but this is the side alleyway
18 leading to the back courtyard at 625 Putnam?

19 A. That's correct.

20 Q. And this is -- Trooper Torres, this next
21 view, Chestnut Street, it was collected by
22 officers who were assigned to the case?

23 A. That's correct.

24 (Pause.)

25 BY MS. SPIROS:

1 Q. And, sir, as we come to the next viewpoint on
2 this video, that is the -- is that the view from
3 55 Chestnut, the video that Mr. Stubbs gave you?

4 A. That's correct.

5 (Pause.)

6 MS. SPIROS: Apologies, your Honor.
7 That's the computer, not the video.

8 THE COURT: Okay.

9 (Pause.)

10 BY MS. SPIROS:

11 Q. And, sir, the next view we see is of the
12 ambulance; is that correct?

13 A. That is correct.

14 (Pause.)

15 (Video being played.)

16 BY MS. SPIROS:

17 Q. Sir, as part of this investigation, was one
18 of your focuses and the focuses of other
19 investigators on this case to collect as much
20 video as possible?

21 A. That's correct.

22 Q. And was that done over the course of a number
23 of days?

24 A. Yes.

25 Q. To your knowledge, is there any video that

1 actually captures the shots being fired?

2 A. No.

3 Q. The 55 Chestnut video is the closest thing
4 to capturing the scene right after; is that
5 right?

6 A. That's correct.

7 Q. Okay. I want to talk to you a little bit
8 about some of the other follow-ups that you did
9 in this case, and just to sort of wrap up your
10 response to the scene, you were there for a
11 number of hours; is that correct?

12 A. Yes.

13 Q. And then you -- did you return to the station
14 with your fellow investigators?

15 A. That's correct.

16 Q. And was there a briefing or a meeting that
17 occurred there --

18 A. Yes.

19 Q. -- to determine what types of follow-ups
20 would be done?

21 A. Yes.

22 Q. Okay. And you attended that?

23 A. Yes.

24 Q. And were you tasked with at some point after
25 that meeting speaking with a Susan Freireich?

1 A. Yes.

2 Q. Okay. And did you know that she had already
3 spoken with other investigators?

4 A. That's correct.

5 Q. And at the time that you wanted to speak to
6 her, this was a couple of days later?

7 A. Yes.

8 Q. Okay. So January 6th or so?

9 A. That's about right.

10 Q. And at that point, sir, you put the -- she
11 was asked to come down to the station?

12 A. Yes.

13 Q. And was that interview recorded?

14 A. Yes, it was.

15 Q. Was it provided to the District Attorney's
16 Office?

17 A. Yes, it was.

18 MS. SPIROS: Her -- Susan Freireich's
19 interview is part of the discovery notices, and
20 I'm just trying to figure out which exact number
21 it is for the Court's information in the record.

22 I think it's one.

23 If I may just have one moment.

24 THE COURT: Sure.

25 MS. SPIROS: It's Discovery Notice 1,

1 page 5.

2 BY MS. SPIROS:

3 Q. And, sir, about just -- without getting into
4 the contents of your interview with Ms. Freireich
5 as it is on tape, can you just tell the Court
6 about how long it lasted and what her demeanor
7 was like at the interview?

8 A. Absolutely.

9 It was a recorded interview that was
10 conducted at the Cambridge Police Department.

11 They have -- this interview room is
12 different than most that I've seen. It's a very
13 relaxed, calm state in that room.

14 There's couches; there's -- I believe it's
15 an interview [sic] that they may use for children
16 that might need to be interviewed.

17 She was calm throughout the interview. I
18 believe it lasted about 20, 22 minutes, and it
19 was conducted by myself and Detective Barkhouse.

20 Q. Understood.

21 And in terms of other follow-up interviews
22 that you engaged with in this case, do you
23 recall speaking with someone who had worked with
24 Mr. Faisal at CVS?

25 A. That is correct.

1 Q. And did he -- in terms of his interview, do
2 you recall anything about what he remembered of
3 Mr. Faisal recently?

4 A. This was a --

5 MS. KAZAROSIAN: Can I just ask that we
6 have the name of the person, because there were a
7 few people?

8 MS. SPIROS: I apologize.

9 Thank you.

10 BY MS. SPIROS:

11 Q. Do you remember interviewing a Raymond
12 Barreau, B-A-R-R-E-A-U?

13 A. That is correct.

14 Q. Okay. And that -- was that because you
15 learned that he had worked with Mr. Faisal at
16 CVS?

17 A. That is correct.

18 Q. What did Mr. Faisal do for CVS, if you know?

19 A. I do not know.

20 Q. Okay. And do you remember Mr. Barreau, what
21 he indicated to you about Mr. Faisal?

22 A. Absolutely. Detective Barkhouse and I met
23 with him at his apartment in Randolph.

24 He briefly came out and spoke to us. He
25 said he was friends with Mr. Faisal.

1 He said they worked together at the CVS.

2 He said that they got together the day
3 before the incident and that he seemed fine.

4 He said that he did not seem to be under
5 the influence of any kind, and then he didn't
6 want to speak to us any longer.

7 Q. And just -- for the Court's understanding,
8 when you're engaging in these interviews and
9 trying to meet with people in the aftermath of
10 something like this, are you trying to get as
11 much information as you might be able to obtain
12 about what was going on with the person who was
13 involved in the incident as you can?

14 A. Absolutely.

15 Q. Does that involve talking to people who that
16 person might work with or friends or family?

17 A. Absolutely.

18 Q. I do want to ask you and kind of turn back a
19 little bit in time to January 5th specifically,
20 and talk to you about a particular follow-up that
21 you did the morning after the shooting.

22 Do you recall where you went on the
23 morning of January 5th?

24 A. Yes.

25 Q. Where?

1 A. To the Office of the Chief Medical Examiner
2 in Boston.

3 Q. Okay. And is that -- is that standard
4 practice?

5 A. Yes.

6 Q. Okay. And what was the purpose of you going
7 there?

8 A. My purpose was to attend the autopsy of
9 Mr. Faisal.

10 Q. And did you do that?

11 A. I did.

12 Q. So what does that involve you doing?

13 A. That involves me going to the autopsy as it's
14 being conducted by the doctor; and I get, you
15 know, the explanation from the doctor as to what
16 her findings are.

17 Q. And so you're literally observing the doctor
18 do her work?

19 A. Absolutely.

20 Q. And there's photographs taken as well; is
21 that correct?

22 A. Yes.

23 Q. Someone else does that?

24 A. Yes.

25 Q. Okay. And is it -- is it important early on

1 in an investigation to know what you can from the
2 autopsy?

3 A. Yes.

4 Q. And it's because you realize you're not going
5 to get a report from the doctor for a while?

6 A. That's correct.

7 Q. Okay. What were, if you remember, sir, what
8 were the initial things that you learned from the
9 doctor?

10 A. So I spoke with Dr. Michele Matthews, who
11 conducted the autopsy.

12 She told me that during the autopsy she
13 asserted there was no stippling to the body.

14 She told me that there were six gunshot
15 wounds to the body in different locations.

16 And she also told me that there were
17 lacerations to the neck, to the wrist -- I
18 believe it was the right wrist -- and --
19 (inaudible) just the wrist -- and that two
20 projectiles were recovered, one from the liver,
21 and one from the -- I believe it was the right
22 femur.

23 Q. About how long did that take, sir, when you
24 were there?

25 A. Hours.

1 MS. SPIROS: If I may have a moment, your
2 Honor.

3 Nothing further for this witness.

4 THE COURT: All right. Thank you.

5 Attorney Anderson?

6 MR. ANDERSON: I don't have a question.

7 I would just -- from my list -- did the
8 knife and the Quran, did they get offered or do
9 they have numbers or --

10 THE COURT: The photos of the knife and
11 the Quran have numbers, but I'm not taking the
12 physical --

13 MR. ANDERSON: Okay.

14 THE COURT: -- into evidence.

15 I -- I'm not sure what the numbers are,
16 but I know we have the photos of the Quran and
17 the knife, correct?

18 MS. SPIROS: Yes. Thank you.

19 THE COURT: All right.

20 MS. SPIROS: If I could have one moment,
21 your Honor.

22 (Pause.)

23 THE CLERK: Exhibit 10 is the knife and
24 Exhibit 11 is the Quran.

25 THE COURT: Okay. It's 10 and 11.

1 (Inaudible discussion.)

2 THE COURT: Attorney Kazarosian, do you
3 have any questions?

4 MS. KAZAROSIAN: Yes, your Honor. Just
5 one.

6 EXAMINATION

7 BY MS. KAZAROSIAN:

8 Q. Good afternoon, Officer Torres.

9 I'm Marsha Kazarosian, and I represent
10 Mr. Faisal's family.

11 A. Good afternoon, ma'am.

12 Q. You had said that when you attended the
13 autopsy, you were told that there was no
14 stippling (inaudible)?

15 A. Stippling.

16 Q. Stippling.

17 A. That's correct.

18 Q. What does that mean?

19 A. Stippling is normally formed when there is a
20 gunshot wound to the body that is up close.

21 And when I mean up close, it's a firearm
22 that's pressed to the body.

23 You may potentially get stippling on the
24 body, which is a ring that is formed around the
25 wound.

1 Q. And is it fair to say that they -- there was
2 also a gunshot residue found on the body?

3 A. I do not remember.

4 Q. Do you know whether or not, or do you recall
5 whether or not, the lacerations to the neck and
6 to the wrist, whatever wrist it was, were
7 life-threatening injuries?

8 A. I do not remember.

9 Q. Do you recall in your interview with
10 Mr. Barreau that he had explained to you that he
11 went to dinner with Mr. Faisal the night before
12 this event?

13 A. That is correct, ma'am.

14 Q. And that they talked about -- Mr. Faisal told
15 Mr. Barreau he wanted to focus more on goals and
16 getting distracted from last year?

17 A. I believe he told me that he wanted to join
18 the Army.

19 Q. Do you recall writing down that he wanted
20 to focus more on goals and was talking about a
21 girl. Mr. Barreau didn't know what -- the name
22 of the girl?

23 A. I do not remember that.

24 Q. Okay.

25 MS. KAZAROSIAN: I have no further

1 questions.

2 THE COURT: All right. Thank you.

3 All right. Thank you, Trooper.

4 THE WITNESS: Thank you, your Honor.

5 (Witness excused.)

6 MS. SPIROS: If we could have Brendan
7 O'Hearn.

8 MS. KAZAROSIAN: If I could have a
9 moment, your Honor, while I bring my client back
10 in.

11 THE COURT: Okay.

12 MS. SPIROS: Yes. Thank you.

13 Thank you, Trooper.

14 Your Honor, I only have two more
15 witnesses before the lunch break.

16 I hope that's okay.

17 THE COURT: I think we're going to take
18 lunch. All right.

19 MS. SPIROS: I have more after lunch.

20 THE COURT: Okay.

21 (Inaudible discussion.)

22 THE CLERK: Detective, if you can raise
23 your right hand.

24 Do you solemnly swear to tell the truth,
25 the whole truth, and nothing but the truth under

1 the pains and penalties of perjury?

2 THE WITNESS: I do.

3 THE CLERK: Thank you very much.

4 THE WITNESS: Thank you.

5 BRENDAN O'HEARN

6 THE COURT: All right. Good afternoon.

7 THE WITNESS: Good afternoon, sir.

8 THE COURT: Detective, I'm sure you're
9 aware there's a sequestration order.

10 And, given the nature of these
11 proceedings, it's a closed proceeding, so in
12 the -- in addition to the sequestration order,
13 I'm asking you not to discuss your testimony with
14 anybody else until this matter becomes public at
15 a further date, okay?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Thank you.

18 Okay. Attorney Spiros.

19 MS. SPIROS: Thank you.

20 THE WITNESS: Hi.

21 EXAMINATION

22 BY MS. SPIROS:

23 Q. Good afternoon, sir.

24 A. Good afternoon.

25 Q. Could you please introduce yourself to the

1 Court, spelling both your first and last name for
2 the record.

3 A. Brendan O'Hearn, O, apostrophe, H-E-A-R-N.

4 Q. How are you employed?

5 A. At the Cambridge Police Department.

6 Q. And are you a police officer?

7 A. I am. I'm assigned to the Detective Unit.

8 Q. And how long have you been in the Detective
9 Unit?

10 A. I transferred to the Detective Unit in
11 January of 2015. Prior to that I was a patrol
12 officer, since January of 2011.

13 Q. Prior to that, did you have other police
14 department experience?

15 A. I did.

16 I was a police officer in Watertown. I
17 was hired in April of 2006, went on the street in
18 September of 2006, and then transferred to
19 Cambridge.

20 Q. And, excuse me, any military background at
21 all?

22 A. No.

23 Q. I want to draw your attention to what you do
24 now in the Detective Unit.

25 Can you describe what your role is?

1 A. I'm a general detective, which is just
2 general assignments, whatever comes -- whatever
3 cases -- reports that are taken, we're to follow
4 up on them the following morning.

5 Q. And have you received some training in -- and
6 you could just briefly describe it -- in regards
7 to investigations?

8 A. Over the years I've attended at least a
9 couple search warrant trainings for the DA's
10 office, various trainings in different areas of
11 investigations to include, I believe it was an
12 eight-day training, general basic detective
13 training, and I think that was in 2016, but I
14 can't say for sure.

15 Q. Thank you.

16 I want to draw your attention now to
17 January 4th of 2023.

18 Were you working on that date?

19 A. I was, yes.

20 Q. And in the capacity as a detective?

21 A. Yes, (inaudible).

22 Q. Where were you located when you heard a call
23 that caused you to go somewhere?

24 A. I believe I was at the station when I heard a
25 call go out.

1 Q. What did you hear?

2 A. It was related to a shots fired call on
3 Chestnut Street.

4 Q. And so how did you hear that call?

5 A. On the radio.

6 Q. On the radio. And once you heard that call,
7 what did you do?

8 A. I responded to my unmarked cruiser and I
9 responded to the scene.

10 Q. With anybody or alone?

11 A. I was by myself.

12 Q. Okay. And how long -- about how long did it
13 take you to get there?

14 A. Less than five minutes, I'd speculate.

15 Q. And when you got there, what did you begin to
16 do?

17 A. Initially, I began by putting up crime scene
18 tape along the Chestnut Street and Sidney Street
19 side of the street, as some people had started
20 to gather in that area and it wasn't a secured
21 area.

22 Q. So when you say it wasn't secure, people had
23 started to gather, what kind of people?

24 A. I believe people from the neighborhood or
25 passerbys, potentially, they were -- so.

1 Q. Why did you want to tape off that scene?

2 A. I was made aware of where the incident had
3 occurred, and there was no boundary or anything
4 to that nature, so I just was establishing it to
5 secure a crime scene.

6 Q. And is that to preserve any evidence?

7 A. Correct.

8 Q. Okay. And so, as you're putting up the crime
9 scene and you see the civilians in the area, what
10 do you observe?

11 What do you notice at this point?

12 A. There were officers already on-scene within
13 the area that I had taped off, and they were
14 addressing various things, so that was my first
15 order of business.

16 Q. And then after the crime scene, what did you
17 do?

18 A. I --

19 Q. Crime scene tape, I should say.

20 A. I notified the State Police.

21 I called, I believe it was, the State
22 Police main line and requested a response from
23 them due to the nature of the incident.

24 And then I received a call back from
25 Trooper Delaney shortly after, who works out of

1 the Middlesex CPAC Unit, and he confirmed CPAC
2 detectives and various state police units would
3 be responding to the scene.

4 Q. When you say "CPAC," is that also known as
5 the State Police Detective Unit?

6 A. Correct. Yeah, sorry.

7 Q. And after you spoke with Trooper Delaney and
8 learned that assets would be coming your way,
9 what did you do next?

10 A. I made an observation of an individual right
11 around 55 Chestnut Street.

12 His name was Samuel Stubbs.

13 Q. When you say you made an observation of him,
14 what did you notice?

15 A. He was emotional, so I figured he had some
16 type of involvement or was a potential witness,
17 so I -- he was talking to a couple of Cambridge
18 fire personnel, so I went up and introduced
19 myself and talked to him.

20 Q. And did you talk to him briefly by yourself
21 and then later with Trooper Torres?

22 A. Correct.

23 Q. Can you talk -- can you tell us a little bit
24 about that first interaction you had with
25 Mr. Stubbs?

1 A. He mentioned that he was a witness to the
2 incident.

3 And, as I was aware the State Police were
4 coming, State Police investigators were coming,
5 and they were primary jurisdiction on the matter,
6 I figured I'd wait for State Police to come there
7 and to interview the witness.

8 Q. You said they have primary jurisdiction.

9 Does that essentially mean that they're
10 going to take the lead on the investigation?

11 A. Correct.

12 Q. And that Cambridge would assist?

13 A. Correct.

14 Q. Did Mr. Stubbs agree to stand by?

15 A. He did, yes.

16 Q. And at some point later did Trooper Torres
17 arrive?

18 A. He did.

19 Q. And then what did you do when Trooper Torres
20 arrived?

21 A. He was with another trooper, I believe
22 Trooper Hayes (phonetic).

23 We did a brief walk-through of the scene,
24 and then myself and Trooper Torres walked over to
25 Mr. Stubbs.

1 I introduced Trooper Torres to Mr. Stubbs,
2 and Mr. Stubbs made some statements at that
3 point.

4 Q. And so, when you were speaking with
5 Mr. Stubbs, did he make you aware of a video?

6 A. He did, yes.

7 Q. And was he able to provide that video to
8 investigators?

9 A. He did.

10 Q. What do you remember about the statements
11 that he made?

12 A. He told us he had the video; he showed us the
13 video from his phone, and then he sent it to
14 Trooper Torres, and I had him AirDrop it to my
15 work cell phone as well, just, like, double
16 redundancy to capture the video.

17 Q. About how long did your discussion with
18 Mr. Stubbs last?

19 A. On-scene it was brief.

20 We obtained the video and then -- then we
21 were going to go back to the station to speak to
22 him further on the matter.

23 Q. And so the interview that was done back at
24 the station, were you present for that?

25 A. I was present, yes.

1 Q. And about how long did that last, if you
2 know?

3 A. I don't recall, no.

4 Q. After the interview of Mr. Stubbs, what --
5 what were you tasked with doing next?

6 A. Detective Lopez brought it to my attention
7 there was clothes with some blood residue on it
8 from five of the officers that were in --
9 somewhere within CPD.

10 I forget if it was in our property area or
11 it was; I was tasked with determining what the
12 next step was with that clothing.

13 Q. And what happened with that clothing?

14 A. Per Detective Lieutenant Brown and the State
15 Police CPAC unit, or Detective Unit, it was
16 photographed by our Crime Scene Services, and
17 then it was placed into biohazard bags.

18 Q. I want to draw your attention then to some of
19 the follow-ups that you were tasked with doing
20 after the initial response that you just told us
21 about. Were there various tasks that you were
22 given to work on?

23 A. Correct. Video collection efforts.

24 Q. And why -- why is that important?

25 What are you focused on trying to do?

1 A. Preserve evidence and video so that it
2 doesn't get -- isn't overwritten, deleted, or
3 anything like that.

4 Q. And is the goal to do that as quickly as
5 possible?

6 A. Yes.

7 Q. And so is that something that was started on
8 immediately?

9 A. Yes.

10 Q. Can you just sort of describe your
11 involvement in the video collection?

12 A. So on the following day, on January 5th, I
13 responded with Detective Monroe, one of the other
14 general detectives, and one of the Cambridge
15 Police IT personnel to multiple locations to
16 collect video from that area.

17 Q. And was one of those videos a 625 Putnam
18 Ave.?

19 A. Correct.

20 Q. And that's sort of the area or the building
21 where the incident first started; is that right?

22 A. Correct.

23 Q. Were there multiple cameras there?

24 A. Yes.

25 Q. And can you describe the locations of those

1 cameras and what you were able to collect?

2 A. We collected certain timeframe and had it
3 reflected.

4 We filled out video evidence collection
5 sheets so that we could note if the camera's
6 times were, like, true to, like, the actual time,
7 and I can't recall off the top of my head, you'd
8 have to refer to the video, for what the angles
9 actually captured; but we had a specific
10 timeframe that we requested for multiple
11 locations.

12 And then our goal was to capture all
13 cameras and preserve all video evidence.

14 Q. And, sir, was another aspect that you focused
15 on in terms of video collection was the John A.
16 Penney Company?

17 A. Correct.

18 Q. Where is that located?

19 A. On Sidney -- I believe on Sidney Street. I
20 forget the street number; in the 200 block.

21 Q. And what does that capture?

22 A. There's multiple exterior cameras on that one
23 as well.

24 Q. Is that one of the videos where we see
25 the individual in question going down the

1 sidewalk?

2 A. Yes.

3 Q. Okay.

4 MS. SPIROS: If I could approach, your
5 Honor?

6 THE COURT: You may.

7 BY MS. SPIROS:

8 Q. Showing you a series of four photographs.

9 Just tell me if you recognize if these are
10 the angles from the cameras at the Penney
11 Company.

12 A. Oh, yes, they appear to be.

13 Q. Thank you.

14 MS. SPIROS: I'd offer these as the next
15 exhibit.

16 THE COURT: How many photos?

17 MS. SPIROS: Four.

18 THE COURT: Four. I think we're at 38,
19 right?

20 MS. SPIROS: Yes.

21 (Exhibit No. 38, Four photographs,
22 admitted into evidence.)

23 (Pause.)

24 BY MS. SPIROS:

25 Q. Did you also collect video from 240 Sidney

1 Street, a place called Chroma?

2 A. I did, yes.

3 Q. And just to go back to the John Penney
4 Company, what is that?

5 A. I could be getting it wrong, but it's some
6 type of commercial or industrial, I think they do
7 some type of electrical components, but don't
8 hold me to it.

9 Q. Understood. And did you also collect video
10 from 266 Sidney Street?

11 A. Yes.

12 Q. And -- just a moment.

13 A. That was in the days following.

14 Q. Yes.

15 A. That's a residence.

16 Q. This continued through the following days,
17 correct?

18 A. Correct, correct.

19 Q. When you -- when you were collecting this
20 video, did you ever come across any video that
21 captured the shooting itself on tape?

22 A. The video -- the video from Samuel Stubbs is
23 the closest video that I observed.

24 Q. That's the 55 Chestnut?

25 A. Correct, yes.

1 Q. I want to ask you, too, about -- as a
2 follow-up -- were you asked to measure the fences
3 in the backyard of 59 Chestnut?

4 A. I assisted Crime Scene Services. I'm tall,
5 so I was holding, you know, some ruler to that
6 effect, but they did all the photographing and
7 knew where to take the measurements.

8 I was just kind of an assist on that
9 matter.

10 Q. Do you remember about how tall the fences
11 were in the backyard?

12 A. I don't recall, no. They did a report that
13 would document it probably better than I would.

14 Q. And you said you're tall. How tall are you?

15 A. Six two.

16 Q. Were they taller than you?

17 A. Yes.

18 Q. At least two on the --

19 A. Some of them, yes, not all of them.

20 Q. -- the back and the right side?

21 A. Correct. Yes.

22 Q. There's a shorter one on the left-hand side
23 as you're looking towards the backyard?

24 A. Yes. On the left side, yup.

25 MS. SPIROS: Nothing further for this

1 witness.

2 THE COURT: All right. Thank you.
3 Attorney Anderson?

4 MR. ANDERSON: I have no questions.

5 THE COURT: All right. Attorney
6 Kazarosian?

7 MS. KAZAROSIAN: (Inaudible), your Honor.

8 EXAMINATION

9 BY MS. KAZAROSIAN:

10 Q. Detective O'Hearn, good afternoon.

11 A. Good afternoon.

12 Q. My name is Marsha Kazarosian, and I'm
13 representing Mr. Faisal's family.

14 A. (Indiscernible.)

15 Q. Just a couple questions.

16 Were you ever asked to measure anything
17 else in the backyard by Crime Scene Services
18 other than the fence?

19 A. Nothing that's coming to mind on the matter.
20 They did a report to reflect it, so I don't -- I
21 don't know if any other measurements were taken,
22 but nothing that's popping into my head.

23 Q. And you know Officer McMahon?

24 A. I do, yes.

25 Q. And you said you're six-two?

1 A. Yes.

2 Q. He's taller than you, isn't he?

3 A. Yes, he is taller than me.

4 Q. About six-five, if you know?

5 A. He's definitely taller than me, yeah.

6 Q. Perfect.

7 MS. KAZAROSIAN: I have no further
8 questions.

9 THE WITNESS: All right. Thank you.

10 THE COURT: All right. Thank you,
11 Detective.

12 THE WITNESS: All right, sir.

13 (Witness excused.)

14 MS. SPIROS: Detective Asif Ali, please.

15 (Pause.)

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

19 THE WITNESS: I do.

20 THE CLERK: Thank you.

21 ASIF ALI, SWORN

22 THE COURT: Good afternoon, Detective.

23 And, Detective, I'm sure you're aware
24 there's a sequestration order in this case.

25 THE WITNESS: Yes, sir.

1 THE COURT: And, also, given the nature
2 of these proceedings, it's a closed hearing.

3 It may not become public for -- until --
4 for several days, if not several weeks, so I'm
5 going to ask you not to discuss your testimony
6 here today with anybody until this matter becomes
7 public, okay?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: All right. Thank you,
10 Detective.

11 THE WITNESS: Thank you.

12 MS. KAZAROSIAN: (Inaudible) he's a
13 little soft-spoken --

14 THE COURT: Okay, okay.

15 MS. KAZAROSIAN: -- could you please
16 remind him --

17 THE COURT: All right.

18 MS. KAZAROSIAN: -- that the mic doesn't
19 amplify?

20 THE COURT: And also, the microphone in
21 front of you only records, it doesn't amplify, so
22 if you keep your voice up as best you can,
23 because we're competing with the noise outside.

24 THE WITNESS: Yes, your Honor.

25 THE COURT: All right.

1 Thank you, Detective.

2 EXAMINATION

3 BY MS. SPIROS:

4 Q. Good afternoon, sir.

5 A. Good afternoon.

6 Q. Could you please introduce yourself to the
7 Court, spelling both your first and last name for
8 the record.

9 A. Yes. My name is Asif Ali.

10 My first name is spelled A-S-I-F; my last
11 name is spelled A-L-I.

12 Q. How are you employed?

13 A. I work for the City of Cambridge, Cambridge
14 Police Department.

15 Q. In what role?

16 A. I'm a detective.

17 Q. How long have you been with the detectives in
18 Cambridge?

19 A. Since February of 2019.

20 Q. And how long have you been with Cambridge in
21 general?

22 A. Since November of 2012.

23 Q. Any other law enforcement experience prior to
24 Cambridge?

25 A. No.

1 Q. Military experience?

2 A. No.

3 Q. Okay. Sir, can you tell the Court, do you
4 speak more than one language?

5 A. I do.

6 Q. What languages do you speak?

7 A. I speak English, I speak Tamil, and I also
8 know how to read Arabic.

9 Q. And so, in your current role in detectives,
10 do you have a specialty or are you part of the
11 general detectives?

12 A. Yes.

13 I work in the Criminal Investigations Unit
14 as a general detective.

15 Q. What does that mean you do every day?

16 A. So we investigate a variety of crimes,
17 stemming from identity theft to burglaries, to
18 shootings, sexual assaults, domestic violence.

19 It's a very comprehensive assignment.

20 Q. And so I want to just ask you generally, or
21 briefly, could you describe your investigative
22 training that you've undergone.

23 A. So after completing a couple years as a
24 patrol officer, I was assigned to detectives in
25 February of 2019.

1 We underwent department-led training in
2 terms of investigative skills, crime scene
3 processing, interviewing, and interrogations.

4 I also attended additional training with
5 respect to crime scene investigations and crime
6 scene processing, as well as digital evidence
7 recovery, such as working on a variety of video
8 surveillance systems.

9 I've attended additional training and
10 interviewing and interrogation skills, as well as
11 being assigned to mentoring some of the newer
12 detectives that have been assigned in recent
13 years.

14 Q. Thank you, sir.

15 I want to draw your attention now to
16 January 4th of 2023.

17 Were you working on that day?

18 A. I was.

19 Q. Can you tell us, at some point did you -- did
20 a particular call call your attention?

21 A. Yes.

22 Q. Can you describe what that was?

23 A. The initial call was for an individual armed
24 with a machete that was in the general area of
25 Waverly Street and Sidney Street.

1 Q. Where were you when you heard that call, or
2 heard about that call?

3 A. So I had just left the police station to
4 conduct a follow-up investigation on a totally
5 unrelated matter.

6 Q. And so after hearing the call, what did you
7 do?

8 A. So I began responding to the area, given the
9 nature of the call.

10 Q. Were you with anyone at the time?

11 A. I was not.

12 Q. And so when you said you were returning, you
13 were responding to the area, about how long, if
14 you know, did it take you to get there?

15 A. I would say less than five minutes.

16 Q. What happened when you got there?

17 A. So I began listening to the radio
18 transmissions from the officers who were in the
19 immediate area.

20 One of the last transmissions I remembered
21 was that the subject was heading towards
22 Brookline Street, at which time I proceeded onto
23 Brookline Street.

24 As I turned onto Brookline Street is when
25 I heard, I believe it was Deputy Superintendent

1 John Boyle call out that there was gunshots in
2 the rear of 59 Chestnut Street, so I directed my
3 response to that location.

4 Q. And what happened after -- after you observed
5 that?

6 A. So, as I began responding to the area, I
7 parked my unmarked cruiser at the intersection of
8 Putnam Ave. and Sidney Street.

9 As I began approaching the yard, I saw
10 that there was some people recording with their
11 cell phones, standing at the intersection near
12 Chestnut Street and Sidney Street.

13 As I got closer towards the yard where the
14 incident happened, Deputy Superintendent Boyle
15 came out and asked where an ambulance was.

16 And I had told him that the ambulance was
17 parked behind -- near the intersection of where
18 my cruiser was at Putnam Ave. and Sidney Street.

19 So I ran back to that intersection and saw
20 that the ambulance was actually blocked by two
21 patrol cruisers.

22 So I moved one of the cruisers; another
23 officer moved another one of the patrol cruisers
24 out of the way so that the ambulance could go
25 down, I believe it's Sidney Street.

1 Q. And, after you moved the cruisers, what did
2 you do next?

3 A. So I -- as I came towards the yard, I saw
4 that Officer Colbert had a medical bag in one of
5 his hands and he had the 40mm less-lethal
6 launcher in another hand, so I assisted him by
7 taking the 40mm launcher off his shoulder so that
8 he could use both hands to begin rendering first
9 aid.

10 Q. And what is it that was happening at the
11 location that you responded to?

12 A. So, in the backyard of 59 Chestnut Street,
13 there was numerous officers who were providing
14 first aid to the subject, Mr. Faisal.

15 Q. And did you hear anything at that point?

16 A. So the officers, I remember a few of them
17 were trying to keep his attention with them,
18 trying to -- kind of encouraging him to stay with
19 them, stay with them, trying to keep breathing.

20 At that same time, there were several
21 officers rendering first aid.

22 Q. And did one of the officers indicate that
23 they needed something?

24 A. Yes.

25 I overheard one officer call out that he

1 needed more chest seals, like, chest seal
2 dressings, which is a piece of the first aid
3 kit.

4 Q. And what did you do?

5 A. So I tried to assist by -- there were
6 several, numerous, medical bags on-scene, so I
7 tried to go through the bags and see if I could
8 locate one of those dressings that could be
9 placed on his chest.

10 Q. And after you did that, what happened?

11 A. So, shortly thereafter, the medics from
12 Professional Ambulance came into the yard and
13 assumed control of the first aid.

14 After they took Mr. Faisal out of the
15 yard, myself and Officer Pugliares stayed back
16 and maintained the crime scene.

17 Q. And when you say you "maintained the crime
18 scene," what does that mean?

19 A. So we had tried to locate any evidence, of
20 which there were several pieces of evidence that
21 were apparent to us.

22 And we located, I believe, six shell
23 casings, a knife, the Quran, and there was also
24 numerous pieces of medical equipment, first aid
25 equipment, that was in that yard where the

1 incident had happened.

2 Q. And you indicated you saw something you
3 called the Quran.

4 A. Yes.

5 Q. Was it open, closed, at the time?

6 A. It was open.

7 Q. And what made you think it was the Quran?

8 A. Because I know how to read it.

9 Q. What did you do next, sir?

10 A. So pretty soon thereafter, numerous officers,
11 supervisory personnel, arrived on-scene.

12 I went to try to see if anyone was home at
13 59 Chestnut Street and I was able to make contact
14 with a resident on the top floor.

15 Q. And who was that resident?

16 A. I believe her name is Susan Freireich.

17 Q. And you said "on the top floor."

18 So was that the second floor?

19 A. Second floor, yes.

20 Q. And did you speak with Ms. Freireich?

21 A. Yes, I did.

22 Q. And at that point, is that a recorded
23 interview or just you're speaking with her?

24 A. It's not recorded, it's just face-to-face.

25 Q. Can you tell the Court, without getting into

1 the substance of all of her statements, did you
2 record those statements, or did you memorialize
3 those statements, or your memory of them, in your
4 police report?

5 A. I did, ma'am.

6 Q. Can you tell us about Ms. Freireich's
7 demeanor when you spoke with her?

8 A. She seemed pretty calm. I asked her if she
9 was okay.

10 First I wanted to make sure she wasn't
11 injured, if she needed any medical attention.

12 She said she was fine, she didn't need any
13 medical attention. And she was speaking to me in
14 a calm demeanor.

15 Q. About how long did you spend with
16 Ms. Freireich, if you know?

17 A. Between five to ten minutes.

18 Q. And, after that, what did you do next?

19 A. After speaking with her, I briefed the
20 supervisor, Detective Lieutenant Brown, on the
21 substance of my conversation with Ms. Freireich.

22 Q. Did you also learn that there was someone
23 else in the home?

24 A. Yes.

25 Q. And who was that?

1 A. I believe it was Ms. Susan Freireich's
2 partner, Mr. Toynton (phonetic), I think is his
3 last name.

4 Q. Were you able to interview him at that point?

5 A. No.

6 See, he said he had to leave the house
7 shortly thereafter.

8 And Ms. Susan Freireich had mentioned that
9 her partner actually didn't witness much, or
10 witnessed less than what she did, so my
11 conversation was with strictly with Ms. Susan
12 Freireich.

13 Q. Did you make some efforts to give him contact
14 information to speak with you later?

15 A. Yes, I did.

16 I believe I left a card or my work cell
17 phone number with them.

18 Q. After you spoke with Ms. Freireich and left
19 your contact information, were you called to
20 assist another detective somewhere else?

21 A. Yes, I was.

22 Q. Where was that?

23 A. That was at 625 Putnam Ave. I believe it's
24 Apartment 107.

25 Q. And who was the detective you were assisting?

1 A. Detective Barkhouse.

2 Q. What's his first name?

3 A. David.

4 Q. And what was Detective Barkhouse doing at the
5 time?

6 A. So Detective Barkhouse was actually at the
7 residence of Mr. Faisal.

8 Q. And do you know if Detective Barkhouse was
9 interacting with someone in particular?

10 A. Yes.

11 Q. Who was that?

12 A. She was later identified as Faisal's
13 grandmother, Ms. Joyna Ara (phonetic).

14 Q. And how did you -- what did Detective
15 Barkhouse want you to do?

16 A. So he asked me if I could come to the
17 residence to assist with translation.

18 Q. And did you do that?

19 A. I attempted to.

20 Q. What happened?

21 A. So I responded, and I saw that there was an
22 elderly female sitting on a chair in the hallway
23 with Detective Barkhouse.

24 I introduced myself to her in the
25 customary Muslim greeting, which is assalamu

1 alaikum, and she responded respectfully with
2 wa alaikum assalam, which is the greeting back to
3 it.

4 I asked her if she spoke Hindi, and,
5 initially, it wasn't clear what she was saying,
6 and then I got out that she spoke Bengali.

7 So I called a personal contact of mine
8 that spoke Bengali very well, as well as English,
9 and he was able to translate to some degree a
10 couple of sentences.

11 Q. What were you able to learn at that point?

12 A. I learned that -- I was informing her, first
13 of all, that Faisal was injured and that we were
14 conducting an investigation, that she wouldn't be
15 allowed to go back into the residence.

16 I learned that her son, who would be
17 Faisal's father, was at work, and, shortly
18 thereafter, Faisal's mother actually arrived
19 on-scene and we began speaking with her.

20 Q. And were you able to communicate with her?

21 A. Yes.

22 Q. And what -- can you describe that interaction
23 with Faisal's mother?

24 A. Yes.

25 She spoke English, at least she understood

1 English, much better than the grandmother.

2 We advised her that her son was at a
3 hospital and that we encouraged her to, you know,
4 contact the husband and also go to the hospital.

5 She asked us what had happened. And we
6 mentioned that it was as a result of him hurting
7 himself.

8 She had asked if there was other callers
9 or we got the call because of a 911 caller and we
10 replied that it was, in fact, due to 911 callers.

11 We asked her if she could try to get the
12 grandmother to go with her to the hospital.

13 And Faisal's mother tried to do that,
14 but -- and the grandmother wasn't listening and
15 didn't want to leave.

16 So I asked Faisal's mother if there was
17 another relative who could come and assist us,
18 and Faisal's mother was able to put me in touch
19 with her niece, Nikiba (phonetic), who I spoke
20 with over the phone.

21 Q. And before we get into the conversation with
22 Nikiba, if I could ask you, if -- did you also
23 ask Faisal's mother if she had any concerns that
24 morning about mental health?

25 A. Yes.

1 And she replied there wasn't any -- there
2 was not any.

3 She stated that she had made breakfast for
4 him around 9:00 in the morning and everything
5 else seemed normal before she left the house.

6 Q. And so then you indicated that you spoke with
7 Nikiba over the phone; is that right?

8 A. Yes, ma'am.

9 Q. What did you learn from Nikiba, or can you
10 tell us about that conversation?

11 A. So it was a very brief conversation over the
12 phone.

13 She mentioned that Mr. Faisal was a
14 student at UMass Boston and that he was typically
15 quiet, but she didn't really know why. He was
16 just a quiet person.

17 She stated that she was, like, talking to
18 him more back in the day; but that after they had
19 moved residences, they kind of lost communication
20 with each other.

21 Q. And you said this was a brief conversation.

22 Was there anything else that she told you
23 at that point?

24 A. No, I don't remember.

25 Q. What happened next?

1 A. I believe after speaking with her, we waited
2 with the grandmother.

3 The grandmother indicated that she was
4 hungry, she needed some medication, she wanted
5 her jacket.

6 So I got permission from Detective
7 Lieutenant Brown to allow the grandmother into
8 the residence; and we assisted her in collecting
9 some personal belongings, such as her cell phone,
10 jacket, medication.

11 And she -- that was all recorded, and we
12 escorted her back out of the house after that.

13 Q. And the reason why she couldn't go back into
14 the house at that point, can you explain that?

15 A. I was under the impression that the residence
16 was being secured to obtain a search warrant or a
17 consent to search the residence.

18 Q. And did you understand that was because
19 Mr. Faisal had come out the window?

20 A. That's correct.

21 Q. After that, did you have any other
22 involvement with the case just on that night, the
23 4th, if you know?

24 A. I don't believe any more on that particular
25 day.

1 Q. And so as part of the follow-up, was one of
2 your tasks to learn more about the U Mass. Boston
3 connection?

4 A. Yes, ma'am.

5 Q. Can you describe what you learned briefly
6 about that?

7 A. Yes. So I was able to speak with, I believe
8 her name is Detective Lieutenant Molina of the
9 UMass Boston Police Department, and she was able
10 to provide some documents regarding the academic
11 record for Mr. Faisal with UMass Boston.

12 Q. Did you learn anything more about Mr. Faisal
13 and whether he was enrolled or what his situation
14 was with the university?

15 A. Yes.

16 So I believe he had started in 2020, but
17 that he had not yet registered for classes for
18 the fall semester of 2022.

19 I learned that he was in the undergrad
20 school of liberal arts; he had a 2.8 GPA, and
21 that there wasn't any outstanding bills to be
22 paid, indicated that there was no debt on his
23 academic record.

24 Q. And you indicated that you requested some
25 records.

1 Were records provided?

2 A. Some were. And I was waiting for more and I
3 never received any.

4 Q. Okay. But some initial records were
5 provided?

6 A. That's correct.

7 Q. And were those turned over to the District
8 Attorney's Office?

9 A. That's correct.

10 MS. SPIROS: Your Honor, for the record,
11 the UMass Boston records were supplement --
12 Discovery Notice 1, page 1.

13 THE COURT: All right. Thank you.

14 MS. SPIROS: Page 5, I'm sorry.

15 THE COURT: Okay.

16 MS. SPIROS: Apologies.

17 THE COURT: All right.

18 BY MS. SPIROS:

19 Q. I want to turn your attention now to another
20 follow-up, sir, regarding a UPS driver who may
21 have been in the area at the time of the
22 incident.

23 A. Yes.

24 Q. Was one of the efforts in terms of the
25 follow-ups to attempt to speak with any civilians

1 who might have been in the area at the time the
2 incident was happening?

3 A. Yes, ma'am.

4 Q. And so, as a result, can you tell the Court
5 what was done in regards to the UPS driver?

6 A. Sure. So I was able to get in touch with a
7 supervisor for UPS.

8 His name is Phil Lowe (phonetic), and he
9 was able to identify the specific UPS truck
10 driver that was in the immediate area at the time
11 of this incident; and he provided that person's
12 name, Ramel Berry (phonetic), as well as his
13 phone number.

14 Q. Were you able to speak to him?

15 A. So I called Mr. Berry; confirmed that he was,
16 in fact, the UPS truck driver doing deliveries in
17 the area.

18 He made a brief statement as to that
19 officers had warned him to stay in the truck;
20 and, shortly thereafter, he observed the subject,
21 armed with a knife, walking towards the direction
22 where his truck was.

23 I asked Mr. Berry if he would be willing
24 to come in to the Cambridge Police Department and
25 sit down and have a more formalized interview.

1 He initially gave us his schedule, that he
2 usually worked until 6 p.m., but I made numerous
3 attempts to call him after that and he never
4 responded back to me.

5 MS. SPIROS: Thank you.

6 If I may have one moment, your Honor.

7 THE COURT: Okay.

8 BY MS. SPIROS:

9 Q. Did the UPS driver indicate whether or not he
10 heard anything when he was in the area?

11 A. I believe he heard the gunshots and saw the
12 individual walking towards his direction where
13 the truck was.

14 MS. SPIROS: Nothing further.

15 THE COURT: All right. Thank you.

16 Attorney Anderson?

17 MR. ANDERSON: I have no questions.

18 THE COURT: Attorney Kazarosian?

19 MS. KAZAROSIAN: Could I just have one
20 moment, your Honor?

21 THE COURT: Okay.

22 (Pause.)

23 EXAMINATION

24 BY MS. KAZAROSIAN:

25 Q. Good afternoon, Officer Ali.

1 A. Good afternoon.

2 Q. My name is Marsha Kazarosian, and I represent
3 Mr. Faisal's family.

4 A. Thank you.

5 Q. I just have one question.

6 When you spoke with Mr. Faisal's family,
7 and you did this through an -- a Bengali
8 interpreter?

9 A. So the initial conversation was with a friend
10 of mine who spoke both Bengali and English.

11 Q. So and this was, I think, from what I recall
12 reading, was through a cell phone or --

13 A. Yes. I called the person, yes.

14 Q. Okay. And when you spoke with -- and then
15 you spoke with the mom, Mr. Faisal's mother.

16 A. Mr. Faisal's mother came to the residence,
17 yes.

18 Q. And she could understand you and you could --

19 A. Yes.

20 Q. -- understand her.

21 And was it your understanding, if you
22 recall, that she had said she made breakfast, but
23 do, you recall speaking with her that she left
24 the house before Mr. Faisal woke up and wasn't
25 there to give him the breakfast?

1 A. She had mentioned that she had made breakfast
2 for him around 9 a.m.

3 Q. Did you reply as to whether or not she had
4 breakfast with him or saw him that morning?

5 A. I don't remember.

6 MS. KAZAROSIAN: I have no further
7 questions.

8 THE COURT: All right. Thank you.

9 All right. Thank you very much.

10 THE WITNESS: Your Honor.

11 (Witness excused.)

12 MS. SPIROS: I regret to inform the Court
13 that I have no further witnesses to fill the last
14 ten minutes.

15 THE COURT: Okay. All right. We'll have
16 a few extra minutes for lunch.

17 And so we have, I believe you sent out to
18 Detectives Hartunian and Detective Miceli this
19 afternoon?

20 MS. SPIROS: So Detective Hartunian had a
21 childcare issue --

22 THE COURT: Oh, okay.

23 MS. SPIROS: -- that just came up that I
24 just was told about, but I do have Detective
25 Schwartz, Barkhouse, and Taylor.