REPORT OF THE

DEATH OF DAVID G. HILL

on

October 18, 2006

November 20, 2006

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Report on the Death of David G. Hill

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Introduction

This report focuses on a narrow question of law. Did the officer, whose use of deadly force on October 17, 2006, resulting in the death of David G. Hill, act within the scope of Massachusetts General Laws and the Appellate Court's decisions respecting those laws.

The report will address the law and the burden of proof in Section I and then set forth the facts as established by the investigation in Section II.

Section III will contain conclusions reached after an examination of the facts in light of the governing law.

Section I

In any review of a homicide, that is, the intentional killing of a human being by another, the law which governs the legality or illegality of the killing is Massachusetts General Law Chapter 265, Section I and the Appeals Court and Supreme Judicial Court opinions interpreting that statute in light of the Common Law. Common Law is that body of law from England which has informed American jurisprudence since the Declaration of Independence in 1776.

The Applicable Law

The law with respect to the intentional use of deadly force has been well settled in the Commonwealth of Massachusetts since 1977 with the holding of the Supreme Judicial Court in the case of *Commonwealth* v *Klein*, 372 Mass. 823 (1977).

In that case, the Court cited two older cases, *Commonwealth* v *Kendricks*, 351 Mass. 203, 211 (1966) and *Commonwealth* v *Houston*, 332 Mass. 687, 690 (1955) in reaffirming the law with respect to the issue of self-defense.

> The jury were instructed that in order to create a right to defend oneself with a dangerous weapon likely to cause serious injury or death, it must appear that the person using the weapon had a reasonable apprehension of great bodily harm and a reasonable belief that no other means would suffice to prevent such harm (*Klein supra*).

The facts of this case also implicate the "use of force justifiable to effect an arrest." (*Id.*)

In *Klein* the Court adopted Section 3.07 of the Model Penal Code as the law of the Commonwealth relative to the right to use deadly force to effect an arrest.

"(b) The use of deadly force is not justifiable under this section unless:

(i) The arrest is for a felony; and

(ii) The person effecting the arrest is authorized to act as a peace officer…

(iii) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and

(iv) The actor believes that:

> (1) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
>
> (2) There is substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed."
>
> We further hold that since the right of the defendant to arrest and prevent the escape of the victims was raised in the evidence, the burden of disproving this defense beyond a reasonable doubt rested on the Commonwealth. (*Id*.)

This identification of where the burden lies is applicable to the issue of self-defense as well. Because the issue of self-defense of the police officer is raised by the facts of the case, in any contemplated prosecution of the officer just as in any other case where self-defense is at issue, the Commonwealth bears the burden of proving that the right of self-defense did not exist. And the Commonwealth must disprove the right of self-defense beyond a reasonable doubt.

These are the legal standards against which a decision regarding the legality of this shooting must be measured. They have existed relatively unchanged in our Commonwealth for many years. Judges, lawyers and others who work in the criminal courts of the Commonwealth are familiar with them, but they bear repeating in this report in the interests of imparting a thorough understanding of the case at hand. A further discussion of the application of this law will follow in the appropriate section.

Section II

Facts of the Case

On the evening of October 17, 2006, the Eastham Police Station, located on Route 6 in Eastham, Massachusetts, was struck by a number of rounds from a .40 caliber semi-automatic handgun.

Though the log shows a loud crash was heard outside the station at 7:14 pm, it wasn't until 8:20 pm that Dispatcher Dittrich and Sgt. Haley both heard shots fired into the building. **(Ex. A)**

Subsequent to the shooting, numerous agencies responded to the Eastham Police Department including Fire and Rescue Units from Eastham, police units from other Cape Cod towns pursuant to mutual aid agreements and various State Police entities including ballistics.

At approximately 9:28 pm Eastham Police Department received a phone call from a person who identified himself as Rich Hopkins, a Mansfield Police Officer. It was the first of his approximately seven (7) different phone calls to the police that night. In this first phone call he asked, "Did you just have your front door shot?" **(*Ex. B, p. 7*).** The police responded "Yes." The caller then went on to say that the shooter was his nephew David Hill. He identified Martha Hill and Jerry, who owned the Box Lunch, a local restaurant. He said he knew it was David because David had just called his mother (Martha) in Maine. Martha, David's mother, was the sister of the caller. The caller went on to say that David was "…going to Orleans to get some cigarettes, he has told her that his plan is to confront the police with his gun." "And he wants to be killed."

It was then broadcast to police that a possible suspect shooter was David Hill, a person known to police because of a July incident. According to reports from the Fairfax County Virginia Police Department, in mid-July of 2006, Mr. Hill was spoken to by police from Fairfax County as a result of complaints to them by several Russian students working in the United States.

An officer spoke to David Hill by calling his cell phone at Mr. Hill's request. The officer called him and they had a brief conversation. The officer said he would go into the station and

call him on a land line. Mr. Hill said to hurry or he was going to do something bad that would be in the papers.

The officer called Mr. Hill from the station, again he answered and told the officer that he wanted to talk to his girlfriend immediately or else something bad was going to happen that was going to make the officer upset. Mr. Hill told the officer that he did not want to be specific on what he was going to do, because he knew the law and his rights.

Mr. Hill hung up, called back and said he was going to put a bullet in his head and that stuff was going to get real bad if he heard or saw cops. ***(Ex. C)***

On Monday, July 17, 2006, Eastham Police Department learned that a suicidal subject from Eastham was on the phone to Fairfax Police. Hill was located, a car chase ensued, he fled to his house at Sue's Walk. Numerous police ultimately took him into custody. He was arraigned in Orleans District Court.

The father of Mr. Hill filed a petition with the court under Chapter 123, section 35 to assess at a state hospital the effect of alcohol abuse on his son's mental state. Hill was committed for thirty (30) days and subsequently released back into the community with a treatment plan.

He was due back in Orleans District Court on October 30, 2006.

Chief Richard Hedlund of the Eastham Police Department ultimately spoke to Mr. Hopkins during the first phone call on October 17th. He told the Chief his nephew bought a weapon up in Maine and that his sister (David's mother) had seen the gun. He further said that David told his mother he shot the police station five (5) times. Mr. Hopkins again told the Chief that David wants to be killed. Mr. Hopkins again at another point says to the Chief, "he really wants to be killed; he has said that he wants to be killed by the police." ***(Ex. B, p. 22)***

Chief Hedlund responds, "OK, well, we're going to try to avoid that." ***(Ex. B, p. 23)***

At 9:56 pm **(*Ex. B, p. 38*)** Martha Hill, the mother of the deceased called the police station. She tells police that David is going to Orleans for cigarettes and then back home.

At 10:05 pm, Martha Hill calls again and says her son is at home. She further says, "Yes, well, I certainly hope that you know what you are dealing with because he's really out of his mind. He really wants you to kill him. But that doesn't mean…(recording goes on to other call). After other calls and transmissions are recorded, Martha Hill is on the phone with Sgt. Smith who says, "What did you just say? Martha says, "He wants you to kill him." ***(Ex. B, p. 41)***

Sgt. Smith: "Is he home right now? Yes? Where are you right now?"

In Maine. In Maine?

Martha: I live in Maine.

Sgt. Smith: Ok, how do you know he's home?

Martha: He just called me.

Sgt. Smith: He just called you? He's at 2 Sue's Walk?

Martha: Yes.

Sgt. Smith: Who's in the house with him right now?

Martha: I think it's just Jerry and I think he is probably holding him…

You know I could hear him says…

You know get down….

Sgt. Smith: Get what down?

Martha: Sit down, he said. Just get down to Jerry.

There is further conversation and relaying of that information to other officers and it is established that the information is "2 minutes" old. ***(Ex. B, pp. 52-54)***

Martha goes on to say that "You know he's going to shoot…. You know, I think he's going to shoot him – you know …so you can shoot him." ***(Ex. B, p. 57)***

Sgt. Smith asks, "What makes you think that?" Martha answers "Oh…. I have gone over this so many times…." Martha further says "And I told my brother who is a police officer." "I mean this is no joke."

Sgt. Smith: "Oh no, I know, we are taking it extremely serious, we're sending cars over there right now, but I want to get as much information from you as I can. And maybe reach out to him on a cell phone or home phone so that we can establish a dialog with him so—so that what you are talking about doesn't happen—we don't want to shoot him. So what would be the best way to call him?"

Martha: He needs help.

Sgt. Smith: I know he does, I know. What phone should I call?

Martha: Well, you can call his cell phone – you know you can check that.

Sgt. Smith: He's got a cell phone?

Martha: Best ahhh….

Sgt. Smith: What number are you at Martha?

Martha: (number given)

Sgt. Smith: Ok, and he's at the house, right?

Martha: He is, at 2 Sue's Walk

Sgt. Smith: Ok, alright, ok, stay by your phone and I'm going to try and call him on his cell phone.

Martha: Ok, but I don't ….inaudible

Sgt. Smith: Yup, did he make an admission to you about shooting our station?

Martha: I don't know if I should…

Sgt. Smith: Sorry –

Martha: I don't know if I should say

Yes, then…. (inaudible)

Sgt. Smith: Well, did he tell you that he did it? I mean we're just trying to figure out how to deal with him, whether he's armed and dangerous.

Martha: Yah, he is.

Sgt. Smith: Ok, did he make an admission to you that he shot our station? I need you to be honest.

Martha: I know I do, but I don't want….I don't want—he needs help.

Sgt. Smith: I know that.

Martha: He needs jail.

Sgt. Smith: I know that, but it's going to determine how we deal with him right now. Did he tell you that he shot our station?

Martha: Yes. ***(Ex. B, pp. 58-59)***

At 10:21 pm Rich Hopkins calls again and says he just talked to his sister (Mother of David). He and the police talk about him being in the house. Hopkins also says that he left a message on his mother's phone "…he said this will be the last time, the last message I ever leave you."

Sgt. Smith tells Mr. Hopkins that his sister should continue to answer her phone and that he should keep information flowing to police. "So that will help us, you know, help us take him into custody like last time without an injury."

Hopkins then says "Yah, but just so everybody knows, he really has been planning this – and he wants to be taken out by the police, I mean, he said it, that's why he went to Maine and bought the gun." ***(Ex. D)***

At 10:36 pm Rich Hopkins called again and says that he just got off the phone with his sister. He tells police she believes he's (David) in the basement.

At 11:02 pm Rich Hopkins calls again and tells dispatch that, "Dave left the house." The dispatch officer asks how did he get out of the house? Hopkins says he doesn't know how he got out of the house, but his sister just called to tell him that.

The police then broadcast to other officers that the subject is out of the house.

The team of police which had surrounded the house inquired as to where he went after leaving the house.

Dispatch called Martha Hill who said she had just talked to Jerry. He was out of the house, but his whereabouts are unknown.

At 11:13 pm Martha Hill called the police station:

Martha: Oh it's Martha Hill. David just called me and he's really close to some of the police.

Dispatch: All right and what did he say he was going to do?

Martha: He's going to take one of them.

Dispatch: Hold on one second.

Dispatch: I need a phone call ASAP

Dispatch: Hi Mark, he's near one of the officers and he's going to take him out. He just called his mother. He's near an officer, we don't know which one.

Mark: Hey Hey Hey- heads up – he's going to take one of us out –he can see somebody.

At 11:15 pm Martha is on the phone with Lt. Roderick.

She said "David just called and said he was walking around and he could see all the police and he's going to go up behind one of them and…." Martha is crying on the phone and says "…he can see you guys." **(Ex. B, pp. 99-100)**

The police try to have Martha call her son. She says that she can.

At 11:28 pm Martha Hill calls back.

Dispatch: Where is he now Martha?

Martha: I don't know. He won't tell me where he is.

Chief Hedlund gets on the phone and asks Martha "Is there any way you can try and coax him to turn himself in?"

Martha says, "I tried." They have additional conversation about talking with David. Then radios from officers begin to call into the station. At 11:30 pm an officer on a portable radio says "We hear some kind of movement in the woods at our intersection. We're at Samoset and Herring Brook." The officer says "…going to be at the northeast corner, trees breaking in the woods."

That transmission is followed by one of the many residents calling into the station to inquire about why they were detained. These callers were citizens returning from work, parents worried about their children and wondering if they were safe or involved in some way in the incident. Throughout the night, the recording device at the Eastham Police Department was punctuated by those calls as well as dozens of calls from media outlets. The device only records one line and therefore, as calls come in they are recorded, but if another call comes in, the first call is switched to another line and the new call recorded.

The recording device at the police station records just before 11:42 pm, the following exchange:

Dispatch:	Eastham recorded line.
	Dispatcher Dittrich
Morse:	Hi, it's Firefighter Morse again
Dispatch:	Hi, are you going in? (in background voice – shots fired)
Morse:	Sure
Dispatch:	OK, thanks, bye.
Radio:	4 from 5

At 11:42:44 pm:

Radio:	Shots fired, shots fired, down by Samoset
Radio:	Copy – shots fired
Radio:	Command, shots fired
	Herring Brook, Samoset, subject has a vest.

At 11:43:01 pm:

Radio:	Subject's down!
Radio:	Give me a location
Radio:	Herring Brook and Samoset
Radio:	Ah …. Stand by.
Radio:	Get Rescue down here!
Radio:	Manfredi; Let me know when I can send Rescue.

A number of phone calls from citizens come into the station reporting the gun shots. Police are trying to ascertain the safety of rescue personnel responding to the scene. The following exchange takes place:

Radio:	Officer Manfredi, give me an update.
Radio:	He's in the woods down, Samoset and Herring Brook.
5:	Manfredi from 5, Is he disarmed?

At 11:44:55 pm:

Radio:	His gun's still down there.
Radio:	Does he have a gun with him or is he disarmed?
Radio:	Manfredi from 5, I'm trying to determine if we can send Rescue down there safely.

At 11:45:39 pm:

Radio:	Haley or Manfredi, give me an update on the weapon. I need to know if I can send Rescue.
Radio:	Gus, it's secure, send them down, send them down Gus, it's secured.
Radio:	All right, Rescue's enroute.

Rescue responded and transported the victim to Cape Cod Hospital a short time later.

Two officers, Anthony F. Manfredi, Orleans Police Department and Officer Nicholas J. Ambrosini of the Truro Police Department were stationed at Samoset and Herring Brook to divert traffic away from the house at 2 Sue's Walk. Officer Manfredi submitted a report ***(Ex. E)*** in the early morning hours after the incident and then was interviewed by Lt. Robert Melia of the State Police on October 19th at the Orleans Police Department. ***(Ex. F)*** Officer Ambrosini was interviewed by Sgt. James W. Plath and Lt. Robert J. Melia on October

18th at 4 pm at Truro Police Station. ***(Ex. G)*** Both officers were transported to Cape Cod Hospital, checked and released in the early morning hours of the 18th of October.

In his written report Officer Manfredi stated that he was dispatched to Eastham for a mutual aid call involving an armed suspect later identified as David G. Hill. He knew that the subject was wanted for firing four shots at the Eastham Police Department. He stated that he was assigned to hold a "perimeter position at the corner of Samoset and Herring Brook Road."

The conditions were dark and rainy. The intersection is an area of dense woods. He was in full police uniform and carrying a department-issued A R 15 rifle.

A radio broadcast had alerted him that the suspect had fled the house where he had previously been at 2 Sue's Walk in Eastham.

In his report, the officer says:

> "At this time I heard a rustling sound in the woods. I made a survey of the area with my flashlight and illuminated the suspect in the woods wearing body armor and holding a firearm. I identified myself as a police officer and repeatedly ordered the suspect to drop his weapon and fearing for my life I fired my weapon in his direction. After my first discharge of the weapon, the suspect again turned me (sic). I repeated my commands to the suspect to drop his weapon and again refused and turned his weapon toward me. I then discharged my weapon toward him."

As a result of an interview of Officer Manfredi by Lt. Melia of the State Police, it was learned that Officer Manfredi had been a full time police officer in Orleans for five years and a part-time officer for two (2) years prior to that. He graduated from the Weymouth Police Academy in 2001. "This Academy is certified by the Massachusetts Criminal Justice Training Council (MCJTC). Officer Manfredi had also been the firearms instructor for the Department for the past two years and received that training and certification from the MCJTC. Officer Manfredi advised that the Town of Orleans police officers carry a .40 caliber Sig – Sauer 226 as

a sidearm and an A R -15 patrol rifle in the cruiser. Officer Manfredi stated that .223 caliber ammunition is used for the A R -15. Officer Manfredi stated that he qualifies annually through the MCJTC."

When he arrived in Eastham, the officer knew that a suspect David Hill was wanted in connection with a shooting at the Eastham Police Department. When he arrived, he was assigned to Samoset and Herring Brook. Officer Manfredi heard a radio dispatch that the suspect was no longer in the residence and he was armed with a .40 caliber handgun. The officer was unsure if the dispatch said at that point that the suspect was wearing a vest.

The intersection was illuminated by a street light and Officer Manfredi and Officer Ambrosini took cover in the woods. When a car came, they entered the street and assisted the operator.

There was a dispatch from the station that David Hill still in the woods could see a police officer standing alone. Officer Manfredi thought it might have been him and took cover again with Officer Ambrosini. The officers "heard a rustling of leaves across the street in the northeast corner of the intersection."

Subsequently, the officers heard motor vehicles and left their cover to divert the vehicles.

They then heard rustling of leaves and branches again. This time the noises were coming from behind them.

The officers discussed a plan to clear the area where the noises were heard. "They devised a plan in which Officer Manfredi would walk the wood line along Samoset Road (west) and Officer Ambrosini would remain in the wooded area close to where the noises were heard."

As Manfredi walked west on Samoset in the eastbound lane, he saw a subject moving on stomach and elbows in the woods. His first observation was of the legs of the subject. The

officer issued a series of commands, “Police, don’t move…show me your hands, show me your hands…drop the gun.”

“The subject began to stand up and raised a firearm towards Officer Manfredi. Officer Manfredi observed that the suspect was wearing white body armor. As a result of this action, Officer Manfredi fired numerous shots, believed to be four (4) or six (6), at the subject. Officer Manfredi observed that the subject had fallen onto his rear (seated). Officer Manfredi then gave the following commands:

“Drop the gun…he’s got armor…drop the gun.”

Officer Manfredi stated the subject raised his head and pointed the weapon again at him at which time he fired his weapon until he (Officer Manfredi) felt the threat had been stopped.”

The Officer and other officers move to the subject to disarm him and render first aid.

Officer Manfredi thought he fired 7-8 rounds. He indicated his training was to “engage the target, move towards the threat and shoot at the threat until it is stopped.”

(Ex. E)

Officer Ambrosini’s Interview

Sgt. James Plath, Massachusetts State Police and Lt. Melia, MSP, interview Officer Nicholas Ambrosini on the afternoon following the shooting and prior to Lt. Melia’s interview of Manfredi on the 19th of October. ***(Ex. G)***

Officer Ambrosini told the State Police he had been an officer for 2 ½ years at the Truro Police Department. He also went to the Weymouth Police Academy in 2004. He completed his firearms training in the use of his duty weapon and the Colt A R 15 which is carried in the trunk of his assigned cruiser.

This officer was aware that the suspect had a prior incident last July with police. He was stationed at Samoset and Herring Brook. He escorted a State Police K-9 unit down toward the house at Sue's Walk and returned to the intersection. He then received a Nextel call from Officer Bohannan who told him the suspect was talking to his mother on the phone and said "he could see a police officer and he would take him hostage."

Officer Ambrosini suggested to Officer Manfredi that they change locations in case the suspect could see them. Officer Ambrosini said he heard the suspect was out of the house and armed with a handgun.

Officer Ambrosini drew a map and said the officers moved from position 1 to position 2. They began to check the brush behind them. ***(Ex. H)***

Officer Ambrosini said Officer Manfredi walked down the roadway toward First Encounter Beach. "Then I heard Tony ye..: "Show me your hands." He yelled it two times and then he yelled "He's got a gun, he's got a vest."

The officer then heard shots come from the area where Officer Manfredi was standing in the road.

Officer Ambrosini then ran to the Officer, covered the suspect, and radioed "Shots fired--he's wearing a vest."

Other officers responded. Officer Bohannan took the gun and gave it to Officer Watson. The gun was cocked and Officer Watson gave it back to Officer Ambrosini to make it safe. Officer Ambrosini observed the hammer back and unloaded the weapon. **(*Ex. G)***

Sgt. Robert Knott of the State Police interviewed the father of the suspect. After discussing his son's condition, the father said "Well, he got what he wanted, he couldn't do it himself, so he had the cops do it for him." Sgt. Knott asked the father to explain. The father

indicated that his son was very depressed and was prescribed an anti-depressant. He was taking the medicine but the father had seen no improvement. The father went on to say his son went to Maine last weekend to visit his mother and while there, he purchased a .40 caliber handgun. On his way back to Massachusetts on Sunday, he was stopped for speeding and given a ticket which really "set him off." ***(Ex. I)***

Trooper Thomas C. Forest of the State Police conducted a quick search of the suspect for any additional weapons. He seized a fully loaded magazine in the left front pants pocket, a cellular telephone, and he felt numerous loose rounds of ammunition in the left front pocket. **(*Ex. J*)**

Sergeant Mark T. Haley of the Eastham Police walked into the woods immediately after the shooting. Mr. Hill was lying on his left side wearing a bullet proof vest.

"I observed a black handgun in his left hand. The back of Mr. Hill's left hand was resting on the ground with the black handgun resting in the palm side of his left hand and his right hand was resting on top of the gun. I then removed the firearm from Mr. Hill's hands and I observed the weapon to still be cocked." ***(Ex. K)***

Officer D. Watson of Eastham Police Department reports that when he entered the woods, Sgt. Haley removed a handgun from the suspect, gave it to Officer Bohannan, Officer Bohannan handed the weapon to him, he gave it to Officer Ambrosini who rendered it safe, and gave it back to him (Officer Watson). Officer Watson took the weapon, a Beretta blue steel semi-automatic pistol, one clip with rounds and one loose round and completed an evidence tag. He handled the weapon while wearing rubber gloves. The weapon was turned over in its evidence bag to Lt. Melia of the State Police. ***(Ex. L)***

<u>The Autopsy</u>

The autopsy was performed by Dr. William M. Zane on October 18, 2006, at the office of the Chief Medical Examiner in Boston. The cause of death was determined to be skull fractures and brain lacerations due to gunshot wound of the head. The manner of death was found to be homicide.

The autopsy report described five separate wounds.

1. Perforating gunshot wound of head.

A. Entrance on back of head.
B. Injury to scalp, skull, dura and brain.
C. Path: front to back and right to left.
D. No projectile recovered.

II. Perforating gunshot wound of left shoulder.

A. Entrance on posterior lateral surface of left shoulder.
B. Injury to skin, muscle and bone.
C. Path: left to right and upward.
D. No projectile recovered.

III. Perforating gunshot wound of left arm.

A. Entrance on posterior lateral surface of left arm.
B. Injury to skin and muscle.
C. Path: left to right and back to front.
D. No projectile recovered.

IV. Perforating gunshot wound of left forearm.
A. Entrance on posterior surface of left forearm at the wrist.
B. Injury to skin, muscle and bone.
C. Path: left to right and back to front.
D. No projectile recovered.

V. Perforating and penetrating gunshot wound of left thumb.
A. Entrance on base of left thumb.
B. Injury to skin and bone.
C. Path: downward.
D. Deformed bullet jacket recovered.

VI. Abrasions and contusions of the extremities and abdomen.

The fifth wound may or may not have been caused by a separate round.

There is no evidence from the autopsy or from an interview of Dr. Zane conducted on November 9, 2006, by the District Attorney's office which can establish the order in which the wounds were sustained by the deceased. **(*Ex*. M*)***

Trooper Michael R. Arnold, Massachusetts State Police Firearms Identification Section, issued a report on November 8, 2006. ***(Ex. N)*** He examined a .40 caliber Beretta Cougar Model – 8040 semi-automatic pistol, serial #036352MC. He concluded that a round recovered from the Eastham Police station was fired from that gun. That gun was bought by David Hill on September 26, 2006, at Hussey's General Store in Windsor, Maine. ***(Ex. D)***

Trooper Arnold further examined nine .223 cartridge casings recovered from Samoset Road. All nine were fired from the .223 caliber Colt AR-15 serial # S.P.199729 issued to Officer Manfredi of the Orleans Police Department. ***(Ex. N)***

Section III

The report turns now to an application of the law to the facts. In this case, as outlined previously in Section I, there are two issues which must be addressed. One, the issue of self-defense and the separate but related issue of the right to use deadly force to effect an arrest.

Self Defense

The report will deal with self-defense first. "In order to create a right to defend oneself with a dangerous weapon likely to cause serious injury or death, it must appear that the person using the weapon had a reasonable apprehension of great bodily harm and a reasonable belief that no other means would suffice to prevent such harm." *Klein.*

There is no view of this evidence which would allow a fact-finder to conclude beyond a reasonable doubt that the officer did not fear for his life at the time he fired his weapon. There is

no view of the evidence which would allow a fact-finder to conclude beyond a reasonable doubt that the officer did not have a reasonable belief that no other means would suffice to prevent such harm.

The above language may seem awkward but it is because of the Commonwealth's burden of proof that it is stated this way. Stated another way, it is the Commonwealth's burden to disprove beyond a reasonable doubt the right of self-defense.

The evidence, here however, would tend to support the right of self-defense. This is a person who has expressed a desire to kill himself or to be killed by police. He went to Maine to buy a gun. He fired 4 or 5 rounds at the police station, one through the lit windowsill of a conference room where several people were holding a meeting. He had in the hours just prior to the shooting told his mother that he was going to confront the police with his gun, he wanted to be killed, he shot the police station five times, he can see a police officer and he's going to take him.

The undisputed evidence from the investigation is that Officer Manfredi hears rustling in the bushes and sees the subject. The subject ignores the commands of the police while hiding in the woods, wearing a bullet proof vest and carrying a .40 caliber loaded and cocked handgun which he points at the officer. The officer fired and continued to fire until the threat ceased, as he was trained to do.

It should be noted that an autopsy report describes wounds in a static plane with the victim standing up. A homicide by gunshot is generally a dynamic occurrence. An exception to that would be the shooting of someone who is sleeping for example. But in this case, as in most cases, the scene was dynamic. Notwithstanding the fact that the wounds were all back to front and primarily left to right, they would not be inconsistent with having been sustained by a

subject doing what was described by the officer but then turning to his right as the rounds were fired by the officer. As one or more of those rounds ultimately struck the deceased he would be turned further to his right by the force of the impact of a .223 projectile, exposing the back of his head in order for a round to hit with a front to back and right to left path.

Since it is unknown in what order any of these wounds were sustained, the above scenario though not susceptible of proof other than the officer's report, cannot be shown to be inconsistent with the account of the officer.

When an individual raises a gun at a police officer under the circumstances extant in this case, the officer has less than seconds to act or be killed himself. Once the decision to shoot is made and shots are fired, it is not able to be determined which of nine rounds fired caused four or possibly five impacts with the body of the deceased. Several of the initial rounds may have missed the target completely yet at the same time causing the natural reaction of turning away in this dynamic scenario.

Deadly Force to Effect an Arrest

The second of the two issues raised by these facts is the right of the officer to use deadly force to effect an arrest. The officers have a particular duty under the circumstances of this case and that is the protection of the community and its citizens. All of the factors previously stated in connection with self-defense apply here as well. In addition, it is the responsibility of the police to apprehend a subject who is out in the community carrying a gun which he has demonstrated a willingness to use by having committed the inherently dangerous felony of assault by means of a dangerous weapon by firing a number of rounds into a building inhabited by a number of police as well as five (5) civilians in a well lit room. One of the rounds went through the windowsill of the large window of the room. It pierced the outer wall, the sheetrock

and then blew in the oak wood casement around the interior window frame where the round stopped. This was opposite the back of one of the civilians sitting at the small conference table in the room.

The facts support the proposition that the police had a duty to arrest this subject for a felony. The officer was authorized to act as a peace officer. The force used in this wooded area created no substantial risk of injury to innocent persons. Further, the officer had the reasonable belief that the crime for which the arrest was being made involved conduct including the use of deadly force. Or, the officer had the reasonable belief that there would be a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

These are the considerations from the model penal code adopted by the Supreme Judicial Court in *Klein* as mentioned previously.

Again, because the Commonwealth bears the burden of proof in order for the shooting to be shown to be an illegal act, the Commonwealth would be required to prove beyond a reasonable doubt that the above beliefs of the officers were unreasonable.

As with self defense, the evidence here suggests the opposite. The officer's beliefs and actions were eminently reasonable under the circumstances as outlined in Section II of this report.

In fact, the evidence would support the conclusion that Officers Manfredi and Ambrosini, in formulating a plan to investigate and 'clear' the area where they heard noises emanating from, acted in a manner consistent with their duty as police officers. Acting carefully, but with grave risk to their personal safety, they advanced on this area. Officer Manfredi's actions during the confrontation with the deceased were well within the scope of the law in Massachusetts. Therefore, there will be no further official action taken by the Office of the District Attorney.

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C. Fairfax, Virginia Police Report

D. Hussey's General Store Gun Receipt

E. Eastham Police Officer Anthony F. Manfredi's Report

F. MSP Report by Lt. Robert J. Melia of interview of Anthony F. Manfredi

G. MSP Report of Sgt. James W. Plath interview of Eastham Officer Nicholas J. Ambrosini

H. Rough Sketch of Samoset area by Officer Ambrosini

I. MSP Sgt. Robert J. Knott's Report

J. MSP Trooper Thomas C. Forest's Report

K. Report of Eastham Police Sergeant Mark T. Haley

L. Eastham Police Officer Donald Watson's Report

M. David G. Hill Autopsy Report by Dr. William Zane

N. Report of MSP Tpr. Michael R. Arnold regarding Ballistics

Eastham Police Department
Communications Log

Shift: 1600-0000 **Date:** 10/17/06 **Day:** TUESDAY **Weather:** COLD/OVERCAST

Personnel	OIC	Assignment	Personnel	OIC	Assignment
Disp: DITTRICH		1600-0000			
SGT. HALEY	X	1530-0040			
OFC. DESCHAMPS		1530-0040			
OFC. PALM		1530-1800			

Time	Unit	Code	Case#	Incident Information	Name/Address
1600	D11	07			
1607	PH	2727		FOR REC. CLERK AUSTIN	
1619	D4	013		STATE HWY / BOX LUNCH	MAPC 9251GL
1621	D4			ALL SET ISSUING	
1625	D4	05		CLEAR	
1628	D11	013		SALT POND LANDING	MAPC 13TH57
1630	D11	05		CLEAR	
1645	W/I			TO SPEAK WITH OFC. BOHANNON	HAROLD OLSON
				HE WILL BE CALLING TOM. AFTERNOON	
1649	PH	0551		FOR NEWS (NO NEWS)	CH. 56
1739	D4/5			CHECKING FOR VEHICLE (NEGATIVE)	165 N SUNKEN MEADOW
1739	PH	0551		I0603267 / LOOSE DOG	MIRIAM BRADY
1745	PH	0551		I0603268 / LOST CASH ($800)	HARLAND YOUNG
1803	D9	07/1	3267	ENROUTE - UNIT 6	
1805	D9	04	3267	ON LOCATION	45 DEBORAH DOANE WAY
1807	D9	011	3267	ENROUTE TO KENNEL	
1818	D9	05	3267	DOG HAS BEEN DROPPED OFF	NAUSET KENNEL
1824	D9	07/1		BACK IN UNIT 4	
1850	D9	03		ON PORTABLE	
1904	D4	04/5		CHECKING FOR VEHICLE (NEGATIVE)	165 N SUNKEN MEADOW
1914			3269	LOUD CRASH OUTSIDE PD - D4 ADVISED	
1919	D9	05		CLEAR	
1922	D4	04/5	3269	CHECKED BUILDING - PARKING LOT	ALL APPEARS 10/4
2020				I0603269 / A&B DANG. WEAPON	PD
			3269	DISP. DITTRICH & SGT. HALEY IN DISPATCH	
			3269	BOTH HEARD SHOTS FIRED INTO BUILDING	
2021	PH	2727	3269	HEARD SAME NOISE (POSSIBLE SHOTS)	RANDY GIFFORD
2025	D4		3269	REQ: LADDER FROM FD TO VIEW DAMAGE	
2025	710	06	3269	REQUESTING SAME	EFD-MCGRATH
2027	D9	07	3269		
2031	710	06	3269	REQUESTING FOR PHOTO'S PER D4	BCI-JOHN SZUCS
2035	D9	04	3269	ON LOCATION FOR STATEMENT	2605 STATE HWY
2036	PH	2323		MEDICAL / 60 CHOKEBERRY	MEDICAL ALARMS
2038	D9	07	3269		
2048	D9	04	3269	ON LOCATION FOR MORE INFORMATION	2605 STATE HWY
2052	D9	05	3269	CLEAR / ON A 07	
2103	PH	2727	3269	SPOKE WITH OFC. DESCHAMPS	RANDY GIFFORD
2103	PH	2323	3269	SPOKE WITH SGT. HALEY	LT. STATE POLICE

A

105	PH	0551	3269	SPOKE WITH SGT. HALEY	FRANK
2105	PH	2323		WRONG NUMBER	
2105	PH	0551	3269	FOR INFORMATION	WELLFLEET PD
2104	PH	5940	3269	FOR NEWS (NO NEWS GIVEN)	CAPE COD TIMES
2117	PH	2323	3269	SPOKE WITH SGT. HALEY	LT. STATE POLICE
2120	D9	04	3269	ON LOCATION	20 DEPOT RD
2121	PH	2323	3269	SPOKE WITH SGT. HALEY	TROOPER BEEHAN
2123	710	06	3269 3269	ISSUING GBC (#262) OFFICER SAFETY	BSO
2124	PH	0551	3269	FOR NEWS (NO NEWS GIVEN)	CH. 5
2125	PH	5940	3269	FOR CHIEF HEDLUND-WILL CALL CELL	CHIEF GLENN OLSON
2126	PH	0551	3269	FOR NEWS (NO NEWS GIVEN)	CH. 4
2128	D9	05	3269	CLEAR - AFTER MARKET EXHAUST	
2128	PH	5940	3269 3269 3269	SPOKE WITH CHIEF HEDLUND/SGT. HALEY UNCLE OF INVOLVED PARTY - STATING HE IS A MANSFIELD POLICE OFFICER	RICH HOPKINS
2129	PH	0551	3269	FOR NEWS (NO NEWS GIVEN)	CH. 56
2132	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	TROOPER MCCARTHY
2133	PH	0551	3269 3269 3269	GIVING INFO RE: SUSPECT'S PARENT'S MOTHER - MARTHA HILL IN MAINE FATHER - JERRY HILL	RICH HOPKINS #207549-7411 #237-2445
2135	PH	2727	3269	ENROUTE INTO PD TO ASSIST	SGT. SCHNITZER
2137	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	LT. WELLS OPD
2137	PH	2727	3269	SPOKE WITH SGT. HALEY	OFC. DESCHAMPS
2140	PH	5940	3269	ENROUTE INTO PD	OFC. DON WATSON
2139	PH	2323	3269	SPOKE WITH CHIEF & SGT. HALEY	TROOPER TARBOKIS
2141	PH	2727	3269	FOR INFORMATION	OFC. DESCHAMPS
2143	PH	0551	3269	GAVE ME DAVID'S CELLPHONE #	RICH HOPKINS #508-237-5009
2144	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	SGT. MEYERS
2146	PH	5940	3269	SPOKE WITH CHIEF HEDLUND	LT. RODERICK
2149	PH	2323	3269 3269	GIVING ME DAVID'S UPDATED PLATE #	MEPC 796AAZ STATE POLICE
2150	PH D1	0551	3269 3269	SPOKE WITH CHIEF HEDLUND TEAM HAS BEEN ACTIVATED	SGT. DAMERY BPD
2157	PH	0551	3269 3269	WITH INFORMATION RE: SON STATING HE WANTS TO DIE BY BY COP	MARTHA HILL
2157	PH	5940	3269	FOR NEWS (NO NEWS GIVEN)	CH. 7
2157	PH	5940	3269	FOR NEWS (NO NEWS GIVEN)	CH. 56
2158	PH	5940	3269	SPOKE WITH CHIEF HEDLUND	SGT. DAMERY BPD
2159	PH	0551	3269	FOR NEWS (NO NEWS GIVEN)	CH. 4 - AMANDA
2200	D4	013	3269	RTE. 6 / INFO BOOTH	MAPC 96ZY55

200	W/I		3269	ON DUTY	SGT. SCHNITZER
2201	PH	0551	3269	FOR NEWS (NONE GIVEN)	FOX NEWS
2201	D4	08	3269	FEMALE OPERATING VEHICLE (NOT SUSPECT)	
2201	D35/38	01	3269	ENROUTE	
2201	D9	04	3269	SAMOSET / STATE HWY	
2203	D10		3269	NOT THE INVOLVED SUSPECT IN VEHICLE (PER D4)	
2204	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	SGT. PLATH-SP
2206	PH	5940	3269	SPOKE WITH SGT. SCHNITZER	MARTHA HILL
			3269	SHE STATES DAVID IS NOW HOME	
			3269	POSSIBLE HAS JERRY HILL HOSTAGE	
2210	PH	2323	3269	QUES: CONFIRMING SUSPECT IS HOME	TROOPER-SP
2211	PH	0551	3269	2 CRUISER'S ENROUTE	TRURO PD
2215	D10		3269	ALL OF SAMOSET SECURED	
2218	PH	0551	3269	FOR NEWS (NONE GIVEN)	CH. 56
2219	D4	5940	3269	ALL AREA'S SECURED HERRINGBROOK/SAMOSET/GREAT POND	
2221	PH	0551	3269	WITH INFORMATION-THAT HE IS HOME	RICH HOPKINS
2224	PH	5940	3269	FOR NEWS (NONE GIVEN)	CH. 7
2225	PH	5940	3269	FOR NEWS (LEFT A MSG. FOR D4)	CH. 5
2226	PH	2727	3269	FOR INFORMATION	SHANNON HALEY
2230	D5	01	3269		
2231	D1		3269	REQUESTING RESCUE TO GREAT POND STAGING AREA	
2232	710	06	3269	ENROUTE / REQ: 1 FOR COVERAGE	EFD-ALBINO
2233	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	OFC. WATSON
2234	PH	0551	3269	FOR NEWS (NONE GIVEN)	CH. 4 - AMANDA
2234	PH	5940	3269	FOR NEWS (NONE GIVEN)	CC TIMES
2235	PH	2323	3269	SPOKE WITH CHIEF HEDLUND	TROOPER MCCARTHY
2236	PH	0551	3269	SUSPECT IS IN THE BASEMENT	RICH HOPKINS
2239	PH	0551		FOR COVERAGE FOR FD	FF MORSE
2239	PH	5940		FOR COVERAGE (ADVS'D ALL SET)	CAPT. SPRAGUE
2239	PH	0551	3269	FOR NEWS (NONE GIVEN)	CH. 56 - DAVE
2240	PH	5940	3269	SPOKE WITH LT. RODERICK	SGT. HALEY
2242	W/I		3269	BARNSTABLE PD - SWAT TEAM	SGT. DAMERY
2246	PH	0551	3269	FOR NEWS (NONE GIVEN)	CH. 7 - MARY
2247	PH	2727	3269	SPOKE WITH LT. RODERICK	SGT. SCHNITZER
2249	PH	0551	3269	FOR INFO (NONE GIVEN) - RESIDENT	805 SAMOSET RD
2250	PH	5940	3269	FOR NEWS (NONE GIVEN)	MARK - BZ RADIO
2254	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	CH. 4 - AMANDA
2258	W/I		3269	TO SEE CHIEF HEDLUND	TROOPER BEEHAN

2259	PH	0551	3269	SUSPECT HAS ESCAPED RESIDENCE	RICH HOPKINS
2304	710	06	3269 3269 3269	CONFIRMING INFORMATION SHE JUST SPOKE TO HIM BY CELL HE HAS LEFT THE RESIDENCE	MARTHA HILL
2305	D4		3269	NO PERIMETER HAS BEEN SET UP	SGT. HALEY
2306	PH	0551	3269	ADVISED TO HEAD BACK TO FD	FF ALBINO-EFD
2307	PH	5940	3269	FOR NEWS (NONE GIVEN)	ASSOCIATED PRESS
2309	PH	0551	3269	FOR NEWS (NONE GIVEN)	BOSTON GLOBE
2309	PH	5940	3269	FOR NEWS (NONE GIVEN)	BOSTON HERALD
2310	PH	2727	3269	ENROUTE TO STATION	DET. NOVOTNY
2311	PH	0551	3269	FOR NEWS (NONE GIVEN)	PTOWN BANNER
2314	PH	5940	3269	CONFIRMING HE LEFT THE HOUSE	MARTHA HILL
2316	PH	0551	3269	FAXING A PHOTO OF SUSPECT TO US	MIDDLEBORO SP
2316	PH	5940	3269	FOR INFORMATION RE: ACTIVITY	MS. HATHAWAY
2319	D9 D1		3269 3269	REQ: RTE. 6 BE OPENED (TOO MUCH ACTIVITY) APPROVING SAME	
2324	PH	0551	3269 3269	FOR INFORMATION (SHE WAS EVACUATED AND ADVISED TO STAY AT MOM'S HOUSE)	JEAN LAWTON
2326	PH	5940	3269	SPOKE WITH CHIEF HEDLUND	CH. 4 - AMANDA
2329	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	MARTHA HILL
2330	W/I		3269	FOR NEWS	CC TIMES - CASSIDY
2331	PH	5940	3269	FOR INFO (NONE GIVEN)	WELLFLEET RESIDENT
2342	PH	0551		FOR COVERAGE	FF MORSE
2343	D4		3269	SHOTS FIRED / SHOTS FIRED	
2344	PH	911	3269	REG: SHOTS	BRUCE WHITMORE
2341	PH	911	3269	REG: SHOTS	STANTON RESIDENCE
2345	PH	0551	3269	FOR INFO (NONE GIVEN)	AL CESTARO
2346	PH	0551	3269	SPOKE WITH CHIEF HEDLUND	RICH HOPKINS
2346	PH	5940	3269	FOR NEWS (NONE GIVEN)	BZ NEWS - MARK
2352	D1		3269	REQ: RESCUE TO PD FOR OFFICER INVOLVED	
2355	PH	0551	3269	SPOKE WITH DISP. AUSTIN	CRIMINAL HISTORIES
2356	PH	0551		FOR COVERAGE - FD	CAPT. SPRAGUE
2358	PH	0551	3269	FOR NEWS (NONE GIVEN)	BOSTON GLOBE
2358	PH	5940	3269	FOR NEWS (NONE GIVEN)	CH. 7

		small compact vehicle with a stick shift and a long solid break light on the rear. No other info at this time. That's CJIS number 206946, all Cape Cod Police Departments, Eastham Police Department was a target of a drive by shooting. Three rounds unknown caliber which struck the building. At this time the only information was a small compact vehicle with a stick shift and a long solid break light on the rear was in the area. Any information to Eastham PD.
21:28:19	DISPATCH:	Eastham Police recorded line Dispatcher Dittrich.
	HOPKINS:	Hi, this is Rich Hopkins, I'm a Mansfield Police Officer,
	DISPATCH:	Yup
	HOPKINS:	Did you just have your front door shot?
	DISPATCH:	Yes.
	HOPKINS:	Alright. It's my nephew.
	DISPATCH:	Why? How do you know that?
	HOPKINS:	I just, ... trust me. Is there another officer I can talk to...

	HOPKINS	Yup, Jerry's my brother-in-law.
	HEDLUND	Do you have Jerry's cell phone number?
	HOPKINS	Yup. I gave it to -
	HEDLUND	You gave it to the Dispatcher, ok, I know you understand because there are multiple lines ringing here. Ok, so Jerry you think is barricaded in the house now?
	HOPKINS	Well, I believe the way my sister was talking I don't know that for a fact.
	HEDLUND	Ok. Is Jerry the only one at the house?
	HOPKINS	I don't know that.
	HEDLUND	You didn't get that information, we don't have that.
	HOPKINS	I - - - jumped off the phone and called you.
	HEDLUND	I appreciate that, I'm going to give him a call find out what is going on there now and…I'm going to keep your number handy if we need anymore information – its 508-761-0784. That's yours.
	HOPKINS	Yup. Call whenever you need me.
	HEDLUND	Ok Rich…..
	HOPKINS	PLEASE, PLEASE if you can have someone help him

		out.
	HEDLUND	We're going to do everything ……..
	HOPKINS	He really wants to be killed; he has said that he wants to be killed by the police.
	HEDLUND	Ok, well, we're going to try to avoid that.
	HOPKINS	Yup.
	HEDLUND	Thanks for your help. We'll be in touch.
	HOPKINS	Yup. Bye now.
	DISPATCH:	David 9 are you calling 710?
	DAVID 9	Looking for David 4.
	DISPATCH	Call the station.
	DAVID 9	10-4
	DISPATCH	Eastham Police recorded line Dispatcher Dittrich.
	LT	Hi Lt. Wells Orleans
	DISPATCH	Hold on, hold on two seconds.
	Lt.	Ya.
	DISPATCH	Hi, do you have updated info?
	Lt.	Ya I do, but if we've got this information that's he's suppose to be in this town I'd like to have my unit back.

		working set of working traffic lights is the whole town complex, the town hall, the fire station, then police.
	SGT:	OK.
	HEDLUND:	I've got your number, and you can get me, I'm carrying a radio if I'm outside.
	SGT:	Very good.
	HEDLUND:	Ahhhhh….appreciate it again as always.
	SGT:	No problem.
	HEDLUND:	That's it in a nutshell. And as things develop Mike I'll give you a buzz.
	SGT:	OK.
	RADIO	4 is on. Someone looking for 4.
	DISPATCH:	Not on my end.
	RADIO	Inaudible.
	UKP	9 - can you clear the airway on your phone?
21:56:35	DISPATCH:	Eastham Police recorded line Dispatcher Dittrich.
	MARTHA HILL	Hi, this is Martha …..
	DISPATCH:	Hold on Martha.
	DISPATCH:	Eastham Police recorded line Dispatcher Dittrich.

	HEDLUND:	He's in a marked cruiser. And he was just going to go down and do a drive by and see – and I'm trying to get people away from me so that I can try call David's father and find out what's going on because it's my understanding he's in the house.
	SGT:	He said David's in the house.
	HEDLUND:	No, David's out and about, the father, the information I have – the father, Jerry Hill, who we spoke to there, he is supposedly in the house and I have his cell phone number.
	SGT:	Ok, I'm thinking if we can get everybody out of that house, before David returns.
	HEDLUND:	That's what I'm trying to do.
	SGT	OK, very good.
	HEDLUND:	And I'm going to call him right now and recommend everyone get out if he's not already there, and if he is I'm going to see what kind of information I can glean from him.
	SGT:	If we can have everybody to leave the house and go to

		team is scrambling and responding.
	DAVID 4	Received.
	SGT. SMITH	What – what did you just say?
	MARTHA:	He wants you to kill him.
	SGT SMITH:	Is he home right now?
	MARTHA:	Yes.
	SGT SMITH:	Where are you right now?
	MARTHA:	In Maine.
	SGT SMITH:	In Maine?
	MARTHA:	I live in Maine.
	SGT SMITH:	Ok, how do you know he's home?
	MARTHA:	He just called me.
	SGT SMITH:	He just called you, he's at 2 Sues Walk.
	MARTHA:	Yes.
	SGT SMITH:	Who's in the house with him right now?
	MARTHA:	I think it's just Jerry and I think he is probably holding him….. You know I could hear him saying – you know, get down.

	SGT SMITH:	Get what down?
	MARTHA:	SIT DOWN he said. Just get down to Jerry.
	SGT SMITH:	OK. (to other officer) He might be holding Jerry like a hostage situation at this point. She could hear him on the phone telling Jerry sit down, sit down just sit down
	SGT SMITH:	Ok, how did you contact him? What phone line?
	MARTHA:	Ummmm, my phone, I called Jerry on his cell phone.
	SGT SMITH:	OK. Give me Jerry's cell phone - - ok, we got Jerry's cell phone.
	MARTHA:	Ok, if you call Jerry you know – he's with him. He's right there with him.
	SGT SMITH:	Ok, so he's.....ok, how long ago did you talk to him?
	MARTHA:	Two minutes.
	SGT SMITH:	(to officers) two minutes this information is as of.
	SGT SMITH:	Ok, what's your name Ma'am?
	MARTHA:	Martha, I'm his mother.
	SGT SMITH:	Say again.
	MARTHA:	Martha Hill.
	SGT SMITH:	I just need you to talk up we've got so much going on

		here.
	MARTHA:	Ok, I'm his mother.
	SGT SMITH:	You're his mother?
	MARTHA:	Yes.
	SGT SMITH:	Ok. And you said he wants us to kill him?
	MARTHA:	Ohhhhh yes.
	SGT SMITH:	He said that?
	MARTHA:	Yes!
	SGT SMITH:	Ok, hang on one second ok?
	MARTHA:	Yes.
	OFFICER:	Officer Watson from 4 I need a unit to shut down Laughton and Herringbrook.
	HEDLUND:	David 4
	DAVID 4	Go ahead sir.
	HEDLUND:	Keep doing what you are doing, just call out for any units that are available, direct them where to go, from your vantage point to secure that area.
	RADIO	Received Officer Corrigan from 4.
	RADIO	Officer Corrigan and Watson are together.

	MARTHA:	Well, I think …..
	SGT:	Ya gotta speak up Martha
	MARTHA:	I think the only way you can get him without *inaudible*
	SGT:	We're trying everything we can do…
	MARTHA:	You know, he's going to shoot.
	SGT:	He's going to what?
	MARTHA:	Shoot.
	MARTHA:	You know, I think he's going to shoot him you know _____ so you can shoot him.
	SGT:	What makes you think that?
	MARTHA:	Oh…..I have gone over this so many times…..
	SGT:	I know.
	MARTHA:	And I told my brother who is a police officer
	SGT:	OK
	MARTHA:	I mean this is no joke
	SGT:	OK
	MARTHA:	I'm not…
	SGT:	Oh no, I know we are taking it extremely serious, we're sending cars over there right now but I want to get as

		much information from you as I can. And maybe reach out to him on a cell phone or home phone so that we can establish a dialog with him so that – so that what you are talking about doesn't happen – we don't want to shoot him. So what would be the best way to call him?
	MARTHA:	He needs help.
	SGT:	I know he does. I know. What phone should I call?
	MARTHA:	Well, you can call his cell phone – you know you can check that.
	SGT:	He's got a cell phone?
	MARTHA:	But ahhh…
	SGT:	What number are you at Martha?
	MARTHA:	207-549-7411
	SGT:	Ok, and he's at the house, right?
	MARTHA:	He is. At 2 Sues Walk.
	SGT:	Ok, alright, ok stay by your phone and I'm going to try and call him on his call phone.
	MARTHA:	Ok, but I don't ---- inaudible
	SGT:	Yup, did he make an admission to you about shooting

		our station?
	MARTHA:	I don't know if I should ----
	SGT: SMITH:	Sorry -
	MARTHA:	I don't know if I should say yes, then --- inaudible
	SGT:	Well, did he tell you that he did it? I mean we're just trying to figure out how to deal with him whether he's armed and dangerous.
	MARTHA:	Ya, he is.
	SGT:	Ok, did he make an admission to you that he shot our station? I need you to be honest.
	MARTHA:	I know I do but I don't want ---- I don't want – he needs help.
	SGT:	I know that.
	MARTHA:	He needs jail.
	SGT:	I know that, but it's going to determine how we deal with him right now. Did he tell you that he shot our station?
	MARTHA:	Yes.
	SGT:	Ok, that's what I needed to know. I'll call you back ok

23:13:28	Dispatch	Eastham Police recorded line Dispatcher Dittrich
	Martha	Oh it's Martha Hill! David just called me and he's really close to some of the police!
	Dispatch	Alright and what did he say he was going to do?
	Martha	He's going to take one of them
	Dispatch	Hold on one second
	Dispatcher	I need a phone call ASAP
	Dispatch	Hi Mark, he's near one of the officers and he's going to take him out, he just called his mother. He's near a officer, we don't know which one.
	Mark	Hey hey hey – head up – he's going to take one of us out – he can see somebody.
	Dispatch	Hold on one second I'll give you the chief
	HEDLUND	Any David unit near the post I need a call ASAP
	RADIO	*Inaudible* at Great Pond with the SWAT Team
	Hedlund	Have Damery give me a call ASAP
23:15:03	LT	Hello this is LT Rodderick
	Martha	This is Martha Hill
	Lt	Hello Martha

	Martha	David just called and said he was walking around and he could see all the police and he's going to go up behind one of them and ……
	Hedlund	Sarge, we just got a call from Mrs. Hill, who says she just talked to David and he sees the officers and he's going to take somebody out.
	Haley	I put the word out down here….
	Hedlund	Ok. That's what I want to make sure, I tried to call Sgt. Damery but I just can't get through to him on his phone. I want to make sure with three different units here that they get this information. He around them, he's packing and he's apparently going to take someone out. Make sure all units get the word ok?
	Haley	Ok.
	Martha	*Inaudible* …kill
	Lt	Ok
	Martha	(crying) he can see you guys……
	LT	Ok, alright.
	Lt	Ok, do you want to hold on?

County of Fairfax, Virginia

FAX COVER SHEET

This fax may contain confidential information and is intended only for the individual named below. If you have received this communication in error, please notify us immediately by phone and return the original message to us at the address below.

DATE: 07-17-06

TO: [redacted]S- Eastham P.D. MASS

FAX NUMBER: 508-255-5412

NUMBER OF PAGES *(including cover)*: 11

RE: David G Hill-

FROM: 6FC CGNA

PHONE NUMBER: 703-922-0889

FAX NUMBER: 703-719-6436

NOTE: ORIG- Report & Sup- For 07-17-06

SENDER'S INITIALS: RC

C

Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030
www.fairfaxcounty.gov

FAIRFAX COUNTY POLICE DEPARTMENT SUPPLEMENTARY INVESTIGATION REPORT

PAGE 1 OF 3 | Date of Event 07-17-06 | Time of Event 2219 | Case 061950002830

Nature of Case (As Indicated on Original FIR): Telephone Violation

Address of Event: 5217 Mitchell St. Alexandria VA 22312

Event No: [redacted] UNFNDED / ACTUAL / ATTEMPT — Force / No Force — Tracking

Event No: [redacted] UNFNDED / ACTUAL / ATTEMPT — Force / No Force — Tracking

Reclassification of Offense — Arr/Suspect Used: A Alcohol, C Cpt. Equip, D Drugs, N Not Applicable — EVT # — EVT #

COMP

Name Last	First	MI.	Phone Res	Phone Bus
Kindling	Oliven		(703) 354-3537	(703) 354-2220

Address Number	Street	City	State	Age	Race	Sex	Date of Birth
5217	Mitchell St.	Alexandria	VA	47	W	M	04-23-59

VICTIM

VIC# | Name Last | First | MI. | Resident Status | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

Victim Related Events: #1 #3 #5 #7 #9 / #2 #4 #6 #8 #10 — Victim Relation to Arr/Susp: 1 2 3 4 5 6 7 8 9 10 — Justifiable Homicide

VIC# | Name Last | First | MI. | Resident Status | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

Victim Related Events: #1 #3 #5 #7 #9 / #2 #4 #6 #8 #10 — Victim Relation to Arr/Susp: 1 2 3 4 5 6 7 8 9 10 — Justifiable Homicide

WITNESS

WIT# | Name Last | First | MI. | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

WIT# | Name Last | First | MI. | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

ARRESTED/SUSPECT/OTHER

ASO# A S O | Name Last: Hill | First: David | MI. | Alias/Aka: unk | Phone Res: 237-5999 | Phone Bus: none

Address Number: 188 | Street: N Mountain Rd | City: Jefferson | State: WV | Occupation: unk | Age: unk | Race: W | Sex: M | Date of Birth: unk

HT: unk | WT: unk | Hair Color: unk | Eye Color: unk | Facial Hair: unk | Hair Style: unk | Hair Length: unk | Armed: Yes / No / Unk — LH / RH / AB | Marks/Scars/Location: Unknown

Clothing Description: Unknown | Arrest Number: — | CONT. NO.: — | SSAN: unk

ASO# A S O | Name Last | First | MI. | Alias/Aka | Phone Res | Phone Bus

Address Number | Street | City | State | Occupation | Age | Race | Sex | Date of Birth

HT | WT | Hair Color | Eye Color | Facial Hair | Hair Style | Hair Length | Armed: Yes / No / Unk — LH / RH / AB | Marks/Scars/Location

Clothing Description | Arrest Number | CONT. NO. | SSAN

Case Status (Check Only One Block)

- ☐ 1 Active
- ☐ 7 Active–TOT CIS
- ☐ 6 Active–TOT _____
- ☐ 8 Active–TOT CIB
- ☐ 2 Inactive
- ☐ 9 Inactive–WOF
- ☐ 3 Service
- ☐ 4 Closed Arrest
- ☐ 5 Closed Exceptionally
  - ☐ Victim Refused to Cooperate
  - ☐ Juvenile/No Custody
  - ☐ Prosecution Declined
  - ☐ Death of Offender
  - ☐ Extradition Denied

Date of Report | Time of Report | Investigated By | EIN | Case Closed (Status 4 or 5): ☐ Juvenile(s) ☐ Adult(s)

Time Received | Time Arrived | Time Cleared | Approving Supervisor | EIN | Date

Quantity	Item	Description	Value	Recovery Date	P. Action

Property Supplement ☐ Yes ☐ No | Jurisdiction/Stolen | Jurisdiction/Recovered

DRUG Type	Quantity	Measurement	Estimated Value	Type	Quantity	Measurement	Estimated Value

Beano Processed By | Prints Found ☐ Yes ☐ No Photographed ☐ Yes ☐ No | Type Evidence Taken | Where Stored Initially

Remarks

The Complainant Mr Kindling, ... Told me That He Has been Receiving unwanted phone calls & messages from July 11 to July 14 From suspect #1 and #2. Apparently mr Kindling Has two Russian Employees working for him on some type of work program. His two Russian Employees Room with two other Russian Males at 801 - South Reynolds St #105 Alexandria VA. Mr Kindlings Employees are Yuri Ostrovskiy & Pavel Pikulin. Yuri & Pavel's Roommates have ties or are acquaintances with two Russia Females who were Employees of suspect #1 David G Hill. Mr Hill Has left A Number of messages on The Complainants two cell phones, one being his personal phone and The other being A cell phone That He let Yuri and Pavel use for work reasons. The messages being left by suspect #1 & #2 are for The two Russian Girls That The Complainant and His two Russian Employees are no familiar with. The messages left on The Complainants cell phone are meant for one or both Russian Females That worked for David G Hill at

Case Status (Check Only One Block)

☐ 1 Active ☐ 5 Active–TOT _____ ☐ 3 Service
☐ 7 Active–TOT CIS ☐ 2 Inactive ☐ 4 Closed Arrest
☐ 6 Active–TOT CIB ☐ 9 Inactive–WOF

8 Closed Exceptionally

☒ Victim Refused to Cooperate
☐ Juvenile/No Custody
☒ Prosecution Declined
☐ Death of Offender
☐ Extradition Denied

Forms Complete/Attached

☐ PD 1 (Witness/Subpoena) ☐ PD60 (Summons)
☐ PD4-A-P (Prop Supplement) ☐ CCRE
☐ PD7A (Prop Card) ☐ _____
☐ PD7B (Prop Card Supplement)
☐ PD48 (Veh Tow and Inv. Recd.)
☐ PD82 (Seizure Notification)
☐ PD135 (Missing Persons Cert)

Information Copies Furnished To | Teletype No. NCIC Non Auto | Date

Arrests Date | Time | Charges | Court Date | Case Closed (Status 4 or 8) ☐ Juvenile(s) ☒ Adult(s)

Time Received 2919 | Arrived 2322 | Cleared 2364 | Approving Supervisor [signature] | BIN 242 | Date 07/16/06 | Case 06 19506 2830

Remarks

ONE TIME. TWO of the MESSAGES have obscene & VULGAR LANGUAGE, MR Hill USING the word "fuck". ONE of the MESSAGES IS TELLING the females THAT Their VISA AND RESIDENT STATUS IS in JEOPARDY. The MOST SERIOUS of the MESSAGES IS IN RUSSIAN AND ACCORDING TO The COMPLAINANT IT IS from SUSPECT #2 A FEMALE known AS IRINA. IRINA SAYS THAT MR HILL IS GOING TO KILL EVERYONE. ASSOCIATED WITH These TWO phone NUMBERS. THE COMPLAINANT WANTED A REPORT WRITEN TO document THIS EVENT. ~~He~~ JUST WANTED me TO CONTACT BOTH SUSPECTS IN THIS CASE TO let Them KNOW THAT HE does NOT KNOW THE TWO females THAT They ARE LOOKING FOR. HE ALSO WANTED me TO TELL Them to STOP CALLING His cell phones & TO STOP LEAVING MESSAGES.

I WAS ABLE TO MAKE CONTACT WITH MR DAVID hill by Telephone. MR Hill WAS VERY Impolite. HE REFUSED TO believe THAT The COMPLAINANT does NOT KNOW THE TWO RUSSIAN FEMALES THAT HE HAS been TRYING TO CONTACT. MR Hill hung-up TWICE WHILE I WAS TALKING TO Him because HE GOT ANGRY. I WAS ABLE TO TELL MR Hill TO STOP CALLING The COMPLAINANT. I ALSO LEFT A MESSAGE ON His CELL phone ASKING him TO NOT CALL The COMPLAINANT AGAIN AND THAT There could be POSSIBLE CHARGES if THIS continued.

I ALSO SPOKE TO MR GERARD B Hill, DAVID HILLS father, I TOLD him ABOUT THIS CASE AND he TOLD me THAT HE would SPEAK TO his SON. MR GERARD B Hill TOLD me THAT he would TELL DAVID TO STOP CALLING The COMPLAINANT. I did ADVISE MR Kindling TO CHANGE His CELL phone NUMBERS if POSSIBLE AND TO CALL police IF The PHONE CALLS CONTINUED. NO further ACTION TAKEN.

Case Status (Check Only One Block)

☐ 1 Active ☐ 7 Active–TOT CIS ☐ 5 Active–TOT CIB ☐ 8 Active–TOT _____ ☐ 2 Inactive ☐ 9 Inactive–WOF ☐ 3 Service ☐ 4 Closed Arrest

8 Closed Exceptionally
☒ Victim Refused to Cooperate
☐ Juvenile/No Custody
☐ Prosecution Declined
☐ Death of Offender
☐ Extradition Denied

Date of Report	Time of Report	Investigated By	EIN	Case Closed (Status 4 or 8)
07-11-2006	2330	R. CERVIE	3451	☐ Juvenile(s) ☒ Adult(s)

Time Received	Time Arrived	Time Cleared	Approving Supervisor	EIN	Date
2218	2222	2304	[signature]	2112	07/16/06

FAIRFAX COUNTY POLICE DEPARTMENT FIELD INVESTIGATION REPORT

PAGE 1 OF 2

EIN	Officer	Origin	Patrol	Sub	Date	Case
3451	A. CERNA	216	601	525.02	07-15-06	06195062830

Event No (1): TElephone VIOLATION — UNFNDED / ACTUAL ☒ / ATTEMPT — ☐ Force ☐ No Force — Tracking

Event No (2): — UNFNDED / ACTUAL / ATTEMPT — ☐ Force ☐ No Force — Tracking

Address of Event: 5217 mitchell ST, Alexandria VA 22312

Am/Suspect Used (A Alcohol, C Cont. Equip, D Drugs, N Not Applicable): EVT 1 N; EVT 2

Occurred On / Between	Mo	Day	Yr	Time	Day of Week	And	Mo	Day	Yr	Time	Day of Week	Weather and Light Conditions at Time of Event
On	07	11	06	1900	TUE		07	14	06	2046	FRI	VARIOUS

VICTIM

Name Last: SAME AS VICTIM #1 — First — MI — Phone Res — Phone Bus

Address Number — Street — City — State — Age — Race — Sex — Date of Birth

VIC #1

VIC #1	Name Last	First	MI	Resident Status	Phone Res	Phone Bus
	Kindlink	oliver		R	(703) 354-3537	(703) 354-2220

Address Number	Street	City	State	Age	Race	Ethnic	Sex	Date of Birth
5217	mitchell ST	Alexandria	VA	47	W	N	M	04-23-59

Victim Related Events: ☒ #1 ☐ #2 ☐ #3 ☐ #4 ☐ #5 ☐ #6 ☐ #7 ☐ #8 ☐ #9 ☐ #10 — Victim Relation to Am/Susp: 1 26 — Justifiable Homicide

VIC #2

VIC #2	Name Last	First	MI	Resident Status	Phone Res	Phone Bus

Address Number	Street	City	State	Age	Race	Ethnic	Sex	Date of Birth

Victim Related Events: ☐ #1 ☐ #2 ☐ #3 ☐ #4 ☐ #5 ☐ #6 ☐ #7 ☐ #8 ☐ #9 ☐ #10 — Victim Relation to Am/Susp: 1 2 3 4 5 6 7 8 9 10 — Justifiable Homicide

WITNESS

WIT #1	Name Last	First	MI	Phone Res	Phone Bus

Address Number	Street	City	State	Age	Race	Ethnic	Sex	Date of Birth

WIT #2	Name Last	First	MI	Phone Res	Phone Bus

Address Number	Street	City	State	Age	Race	Ethnic	Sex	Date of Birth

ARRESTED/SUSPECT/OTHER

ASO #1	A	B ☒	O	Name Last	First	MI	Alias/Aka	Phone Res	Phone Bus
				Hill	David	G	unk	(540) 237-5999	unk

Address Number	Street	City	State	Occupation	Age	Race	Sex	Date of Birth
188	N. Mountain RD	JEFFERSON	MD	unk	unk	W	M	unk

HT	WT	Hair Color	Eye Color	Facial Hair	Hair Style	Hair Length	Armed	Marks/Scars/Location
unk	unk	unk	unk	unk	unk	unk	Yes / No / Unk ☒ / LH / RH / A B	unk

Clothing Description: unknown — Arrest Number — CONT. NO. — SSAN: unk

ASO #2	A	S	O	Name Last	First	MI	Alias/Aka	Phone Res	Phone Bus
				unk	TRINA		unk	(574) 216-1939	unk

Address Number	Street	City	State	Occupation	Age	Race	Sex	Date of Birth
unknown				unk	unk	W	F	unk

HT	WT	Hair Color	Eye Color	Facial Hair	Hair Style	Hair Length	Armed	Marks/Scars/Location
unk	unk	unk	unk	unk	unk	unk	Yes / No / Unk ☒ / LH / RH / A B	unknown

Clothing Description: unknown — Arrest Number — CONT. NO. — SSAN: unk

VEHICLE

Year	Make	Model	Type	Color (Top / Bottom)	License (Year / State / Number)	VIN

Unique Vehicle ID — Owner (Name / Address) — Teletype No.

Towed By — Stored At — Seized — Stolen — Invoked — Impounded — Recovered — Other

VIC 1	VIC 2	EVT 1 (1) (2) (3)	EVT 2 (1) (2) (3)	EVT 1 (1) (2) (1) (2)	EVT 2 (1) (2) (1) (2)

FAIRFAX COUNTY POLICE DEPARTMENT SUPPLEMENTARY INVESTIGATION REPORT

PAGE 2 OF 2 | Date of Event: 07-15-06 | Time of Event: 2219 | Case: 06195000 2830

Nature of Case (As Indicated on Original FIR): Telephone Violation

Address of Event: 5217 Mitchell St, Alexandria VA

Event No: [redacted] UNFNDED / ACTUAL / ATTEMPT — ☐ Force ☐ No Force — Tracking

Event No: [redacted] UNFNDED / ACTUAL / ATTEMPT — ☐ Force ☐ No Force — Tracking

Recap/Allication of Offense — Arr/Suspect Used: A Alcohol, C Cpt. Equip, D Drugs, N Not Applicable — EVT # — EVT #

COMP

Name Last	First	MI	Phone Res	Phone Bus
Kindlinc	Oliver		(703) 354-3537	(703) 354-2220

Address Number	Street	City	State	Age	Race	Sex	Date of Birth
5217	Mitchell St	Alexandria	VA	47	W	M	04-03-59

VICTIM

VIC# | Name Last | First | MI | Resident Status | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

Victim Related Events: ☐ #1 ☐ #3 ☐ #5 ☐ #7 ☐ #9 ☐ #2 ☐ #4 ☐ #6 ☐ #8 ☐ #10 — Victim Relation to Arr/Susp: 1 2 3 4 5 6 7 8 9 10 — Justifiable Homicide

VIC# | Name Last | First | MI | Resident Status | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

Victim Related Events: ☐ #1 ☐ #3 ☐ #5 ☐ #7 ☐ #9 ☐ #2 ☐ #4 ☐ #6 ☐ #8 ☐ #10 — Victim Relation to Arr/Susp: 1 2 3 4 5 6 7 8 9 10 — Justifiable Homicide

WITNESS

WIT# | Name Last | First | MI | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

WIT# | Name Last | First | MI | Phone Res | Phone Bus

Address Number | Street | City | State | Age | Race | Ethnic | Sex | Date of Birth

ARRESTED/SUSPECT/OTHER

ASO# (A / B / C) | Name Last | First | MI | Alias/Aka | Phone Res | Phone Bus

Address Number | Street | City | State | Occupation | Age | Race | Sex | Date of Birth

HT | WT | Hair Color | Eye Color | Facial Hair | Hair Style | Hair Length | Armed: Yes / No / Unk / LH / RH / A B | Marks/Scars/Location

Clothing Description | Arrest Number | CONT. NO. | BSAN

ASO# (A / B / C) | Name Last | First | MI | Alias/Aka | Phone Res | Phone Bus

Address Number | Street | City | State | Occupation | Age | Race | Sex | Date of Birth

HT | WT | Hair Color | Eye Color | Facial Hair | Hair Style | Hair Length | Armed: Yes / No / Unk / LH / RH / A B | Marks/Scars/Location

Clothing Description | Arrest Number | CONT. NO. | BSAN

Case Status (Check Only One Block): ☐ 1 Active ☐ 7 Active–TOT CIS ☐ 6 Active–TOT CIB ☐ 5 Active–TOT ☐ 2 Inactive ☐ 9 Inactive–WOF ☐ 3 Service ☐ 4 Closed Arrest ☐ 8 Closed Exceptionally: ☐ Victim Refused to Cooperate ☐ Juvenile/No Custody ☐ Prosecution Declined ☐ Death of Offender ☐ Extradition Denied

Date of Report	Time of Report	Investigated By	EIN	Case Closed (Status 4 or 8) ☐ Juvenile(s) ☐ Adult(s)
Time Received	Time Arrived	Time Cleared	Approving Supervisor	EIN	Date

VIC# [redacted] VIC# [redacted] EVT# (1) (2) (3) EVT# (1) (2) (3) [redacted] EVT# (1) (2) (1) (2) EVT# (1) (2) (1) (2)

Ex

Remarks

I RECEIVED A CAD MESSAGE FROM THE FRONT DESK OFFICER AT THE FRANCONIA STATION AT 2245 HRS, TELLING ME THAT MR DAVID HILL WANTED ME TO CONTACT HIM AT 508 237-5009. I MADE CONTACT WITH MR HILL BY CELL PHONE BUT HAD A BAD CONNECTION. I TOLD MR HILL THAT I WAS GOING TO GO TO THE STATION LAND LINE TO SPEAK TO HIM. AT THAT TIME MR HILL TOLD ME TO HURRY OR HE WAS GOING TO DO SOMETHING BAD THAT WOULD BE IN THE PAPERS.

I CALLED MR HILL FROM THE STATION AGAIN HE ANSWERED AND TOLD ME THAT HE WANTED TO TALK TO HIS GIRLFRIEND IMMEDIATELY OR ELSE SOMETHING BAD WAS GOING TO HAPPEN THAT WAS GOING TO MAKE ME UPSET. MR HILL TOLD ME THAT HE DID NOT WANT TO BE SPECIFIC ON WHAT HE WAS GOING TO DO, BECAUSE HE KNEW THE LAW AND HIS RIGHTS.

I ADVISED MR HILL THAT I DID NOT KNOW HIS GIRLFRIEND IRINA, NOR DID MY COMPLAINANT. MR HILL THEN HUNG-UP THE PHONE. HE CALLED THE STATION FRONT DESK APPROXIMATELY 15 MINUTES AFTER HE HUNG-UP ON ME. HE TOLD OFC KROLL #3257 THAT HE WAS GOING TO PUT A BULLET IN HIS HEAD & THAT STUFF WAS GOING TO GET REAL BAD IF HE HEARD OR SAW COPS. HE DEMANDED TO SPEAK TO OFC CERNA AND GAVE OFC KROLL A TIME LIMIT OF 5 MINUTES TO GET OFC CERNA TO THE PHONE. IF NOT THINGS WERE GOING TO GET BAD AND WE WOULD BE READING ABOUT IT IN THE NEWS PAPER.

Case Status (Check Only One Block)

☐ 1 Active ☐ 7 Active–TOT CIS ☐ 6 Active–TOT CIB ☐ 5 Active–TOT _____ ☐ 2 Inactive ☐ 9 Inactive–WOF ☐ 3 Service ☐ 4 Closed Arrest ☐ 8 Closed Exceptionally

☒ Victim Refused to Cooperate
☐ Juvenile/No Custody
☐ Prosecution Declined
☐ Death of Offender
☐ Extradition Denied

Date of Report	Time of Report	Investigated By	ID#	Case Closed (Status 4 or 8)
07-17-06	2330	A. CERNA	3457	☐ Juvenile(s) ☒ Adult(s)

Time Received	Time Arrived	Time Cleared	Approving Supervisor	ID#	Date
2015	2222	2324	[signature]	212	07/17/06

10-3-06 Pd in Full
CC. 577.50
PMB

HUSSEY'S GENERAL STORE
P.O. Box 81
WINDSOR, MAINE 04363
Phone (508) 237-5004 (207) 445-2511 MDLH 98 50303

NAME: David Hill
DATE: 9/26/06
ADDRESS: 188 North Monmouth Rd Jefferson ME 04348

SOLD BY	CASH	CHARGE	LAY-AWAY	ON ACCT.	MDSE. RET'D.
TMB					

ARTICLE	STOCK NO.	AMOUNT	
Beretta . 8040		550	00
40 S&W w/ Box &			
Papers.			
USED HAND GUN			
SER 036352 MC.			
SPECIAL INSTRUCTIONS:	AMOUNT OF SALE	550	00
	TAX	27	50
	TOTAL	577	50
	AMOUNT PAID		
RECEIVED BY	BALANCE		

B PRODUCT 607T

All claims and returned goods MUST be accompanied by this bill.

25725

NEBS To Reorder: 800-225-6380 or nebs.com

THANK YOU

D

10/18/2006 2:33 PM FROM: Fax TO: 1 508 240 1374 PAGE: 001 OF 001

Preliminary Report

At approximately 23:00 hours on October 17, 2006 while working my regularly assigned 4-12 shift I was dispatched to Eastham for a mutual aid call involving an armed suspect, later identified as David G. Hill (DOB: 07/29/1983). I was informed that the suspect was wanted for firing four shots at the Eastham Police Department earlier in the evening. Upon arrival I was assigned to hold a perimeter position at the corner of Samoset and Herring Brook Road. I was out of my fully marked Orleans police cruiser in my full police uniform and carrying my department issued AR-15 rifle. The conditions were dark and rainy. The intersection is in an area of heavy woods. At this time it was believed that the suspect was in a house at 2 Sue's Walk in Eastham. A radio broadcast advised me that the suspect had fled the house. At this time I heard a rustling sound in the woods. I made a survey of the area with my flashlight and illuminated the suspect in the woods wearing body armor and holding a firearm. I identified myself as a police officer and repeatedly ordered the suspect to drop his weapon. He did not comply with any of my commands. He turned toward me with his weapon and fearing for my life I fired my weapon in his direction. After my first discharge of the weapon the suspect again turned me. I repeated my commands to the suspect to drop his weapon and again refused and turned his weapon toward me. I then discharged my weapon toward him.

Prior to the encountering the suspect I was informed that the suspect's name was David Hill. Mr. Hill was known to me through a previous incident in Eastham in July 2006 which resulted in the SWAT Team being deployed and a suicide attempt on Mr. Hill's part.

Full Report to Follow

Respectfully submitted,

Officer Anthony Manfredi

E

Massachusetts State Police **Report of Investigation**

Station:	State Police Detectives-Cape & Islands District	**Case Number:**		**06-102-0900-0281**	
Reported by:	Lt. Robert J. Melia #0420	**Controlling Case:**			
Signature:	Robert J. Melia	**Date:**	10/20/06	**Page**	1 of: 3
Approved by:	Detective Lieutenant John J. Allen #0087	**Date:**		**Report No:**	
Subject:	Interview of Anthony F. Manfredi, Town of Orleans Police Officer, regarding the shooting death of David HILL on October 17, 2006.				

SYNOPSIS

On October 17, 2006 at approximately 9:00PM, Sgt Plath of the Cape and Islands SPDU was notified by the Eastham Police Department requesting an assist regarding shots fired at and striking the Eastham Police Department building. Sgt Plath also received information that the suspect in the shooting, David HILL, may be barricaded inside his residence at 2 Sue's Walk, Eastham, MA. As a result of the aforementioned, Sgt Plath called Lt. Melia, Sgt Knott and Tpr. Beehan for assistance. As local and state police began to cordon off a perimeter of the house information was received that David HILL was inside the residence armed with a .40 caliber semi-automatic handgun, bullet-proof vest and wanted to "commit suicide by cop." A short time after local and state police maintained an outer perimeter of the residence information was developed that David HILL had escaped the residence and was lurking in the wooded area off of Samoset Rd. The information revealed that HILL, once again, was armed with the aforementioned weapon and wearing the bullet-proof vest. At approximately 11:43PM, Officer Anthony Manfredi of the Orleans Police Department confronted David HILL in a wooded area near the intersection of Samoset Rd. and Herring Brook Rd. Officer Manfredi fatally shot HILL during this confrontation. HILL was transported to Cape Cod Hospital and was pronounced dead at approximately 1:43AM on October 18, 2006.

INTERVIEW

On October 19, 2006 at approximately 5:00PM, Lt.Melia met with Anthony Manfredi and his Attorney, Joseph Donnellan, at the Orleans Police Department. The interview was conducted inside Chief Jeff Roy's office.

After obtaining biographical information, Officer Manfredi advised that he has been a full time police officer with the town of Orleans for approximately five (5) years and a part-time summer officer two (2) years prior. Officer Manfredi further explained that he had graduated from the Weymouth Police Academy in 2001. This academy is certified by the Massachusetts Criminal Justice Training Council (MCJTC). Officer Manfredi stated that he has been the firearms instructor for the Orleans Police Department for the past 2 years and received his training and certification through the MCJTC. Officer Manfredi advised that the town of Orleans police officers carry a .40 caliber Sig-Sauer 226 as a sidearm and an AR-15 patrol rifle in the cruiser. Officer Manfredi stated that .223 caliber ammunition is used for the AR-15. Officer Manfredi stated that he qualifies annually through the MCJTC.

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Officer Manfredi stated he was working the evening shift (4PM-12M) on October 17, 2006. Officer Manfredi, unsure of exact times, was aware that Sgt. Mark Haley of the Eastham PD had called the Orleans PD dispatch to advise that a drive-by shooting had occurred at the Eastham Police Department. A short time later Officer Manfredi was made aware that David HILL was a suspect in the shooting and may be in the Orleans area to purchase cigarettes. Officer Manfredi stated at some later time he was assigned to assist Sgt. Haley and Eastham PD with establishing a perimeter near David HILL's residence.

Officer Manfredi contacted Sgt. Haley and switched his portable radio to the Eastham PD frequency. Sgt. Haley assigned Officer Manfredi to the intersection of Samoset Rd. and Herring Brook Rd. Officer Manfredi was first to arrive at the intersection and Officer Ambrosini of the Truro PD arrived shortly after. Officer Manfredi stated he blocked the road on Samoset Rd. (east bound) not allowing civilian traffic near HILL's residence. Officer Manfredi advised that his radio and cell phone worked in the area he was assigned.

Officer Manfredi, unsure of the time, stated that Sgt. Rosato of the Orleans PD arrived at the intersection with a Massachusetts State Police K9. **Officer Manfredi stated a radio transmission was made by Eastham PD dispatch advising officers that the suspect (David HILL) was no longer inside the residence and was armed with a .40 caliber hand gun.** Officer Manfredi was unsure at this time if the dispatch had mentioned David HILL was wearing a bullet-proof vest. Officer Manfredi stated that the intersection was illuminated by a street light thereby causing Officer Manfredi and Ambrosini to take protective cover in the wooded area near the intersection. Occasionally a motor vehicle would stop at the intersection in which the officers would have enter the intersection and assist the operator with proper directions. A short time later Officer Manfredi stated that Officer Ambrosini escorted the MSP K9 officer closer to the HILL residence.

Approximately 10 minutes later Officer Ambrosini returned to his post with Officer Manfredi and advised that it was reported that David HILL, still in the woods, could see a police officer standing by himself. Officer Manfredi believed it could have been him and took cover with Officer Ambrosini. **Officers Manfredi and Ambrosini heard a rustling of leaves and branches across the street, in the northeast corner of the intersection**. Officer Manfredi stated he radioed Sgt. Haley to advise him of the noises they heard. Officer Manfredi stated that a couple of motor vehicles entered into the intersection and had to be diverted from the intersection. Once again, Officers Manfredi and Ambrosini took cover in the southwest corner of the intersection near a large pine tree.

While taking cover, Officers Manfredi and Ambrosini heard a rustling of leaves and branches again, however, the noises were coming from behind them (westerly direction). Officers Manfredi and Ambrosini talked to each other about clearing the area where the noises were heard. The officers devised a plan in which Officer Manfredi would walk the wood line along Samoset Rd (west) and Officer Ambrosini would remain in the wooded area close to where the noises were heard.

Officer Manfredi began walking west on Samoset Rd. in the east bound lane along the wood and pavement line. Officer Manfredi estimated that approximately twenty (20) feet from the intersection he illuminated a small clearing near the southwest corner of the intersection and observed a subject doing a low crawl (prone position on stomach and elbows) facing towards the intersection approximately fifteen (15) feet or more in the woods. The first observation was made of the subject's legs.

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Officer Manfredi explained that he had his flashlight propped under the AR-15 when illuminating the wooded area. Officer Manfredi then gave the following commands to the subject:

"Police, don't' move.....show me your hands, show me your hands....drop the gun."

The subject began to stand up and raised a firearm towards Officer Manfredi. Officer Manfredi observed that the suspect was wearing white body armor. As a result of this action, Officer Manfredi fired numerous shots, believed to be four (4) or six (6), at the subject. Officer Manfredi observed that the subject had fallen onto his rear (seated). Officer Manfredi then gave the following commands:

"Drop the gun.... he's got armor....drop the gun."

Officer Manfredi stated that the subject raised his head and pointed the weapon again at him at which time he fired his weapon until he (Officer Manfredi) felt the threat had been stopped.

Officer Manfredi then went to the subject to render first aid. Other officers arrived at the scene to render first aid while others escorted Officer Manfredi from the scene and subsequently to the Eastham PD.

Officer Manfredi was not sure but believed he may have fired a total of 7-8 rounds at the subject. Officer Manfredi also stated that he is trained to engage the target, move towards the threat and shoot at the threat until it is stopped. Officer Manfredi also explained that he never loads the AR-15 clip to its full potential because the tightened spring may cause a miss-load problem with the weapon.

At this time the interview was terminated.

NOTE: At the request of Officer Manfredi's attorney, all biographical information will be maintained in Lt. Melia's field notes.

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Massachusetts State Police | Report of Investigation

Station:	State Police Detectives-Cape & Islands District	Case Number:		06-102-0900-0288	
Reported by:	Sergeant James W. Plath # 1736	Controlling Case:			
Signature:		Date:	10/19/06	Page	1 of: 3
Approved by:	Detective Lieutenant John J. Allen #0087	Date:		Report No:	
Subject:	Interview of Officer Nicholas J. Ambrosini				

1. On 10/18/06 at 1600 hours this officer and Lt. Robert Melia conducted an interview with Officer Nicholas J. Ambrosini in the conference room of the Truro Police Department. Officer Ambrosini was one of two officers present during the armed confrontation with David Hill in the Town of Eastham that resulted in Hill's death. Also present during this interview was Sgt. Perry of the Town of Truro. Sgt. Perry did not participate in the interview but was present as Officer Ambrosini federation/union representative.

2. Lt. Melia explained to Officer Ambrosini the purpose of the interview was to gather the facts and circumstances of the shooting. Officer Ambrosini was offered the opportunity to have the interview recorded which he declined. Officer Ambrosini advised that has spoken with Attorney Allen Shapiro of the firm of Sandillo and Grace in Boston. This law firm is the legal representative for the Truro Police Federation. Officer Ambrosini agreed to participate in this interview.

3. Officer Ambrosini advised that he had been employed by the Truro Police Department on a full time basis for the past 2 ½ years. He further indicated that he graduated from the Weymouth Police Academy on March 3, 2004. Officer Ambrosini advised that he has completed all of his current firearms training in the use of his duty weapon and the Colt AR 15 which is carried in the trunk of his assigned cruiser.

4. Officer Ambrosini advised that yesterday (Tuesday 10/17/06) he was assigned to work the 3-11 p.m. shift. Also working and acting in the OIC supervisor was Officer Craig Danziger. While on patrol he overheard on the police scanner that several shots had been fired at the Eastham Police Station. Upon direction of his supervisor he was assigned to report to the Town of Eastham. Upon arrival into the Town of Eastham he contacted Sgt Haley who assigned him to control traffic at the intersection of Samoset and Herringbrook Road. Also assigned to that intersection was Officer Tony Manfredi of the Town of Orleans. Officer Ambrosini further stated that he was transmitting at this time on the Eastham Police radio channel so that he could monitor radio transmissions.

5. Officer Ambrosini stated that that he and Officer Manfredi were standing at the intersection with the cruisers blocking the road to keep any vehicles from entering onto Samoset Road towards Rt 6. Officer Ambrosini stated that he heard a radio transmission that

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the suspect was in his residence which he was aware was just up the road off of Samoset. He was aware of the suspect and the fact that the suspect had a prior incident last July with police that resulted in the SWAT team responding and the suspect taking off in a car. Because of this information he advised that they activated a set of stop sticks in the event the suspect attempted to flee by vehicle in their direction.

6. During this time while they were at the intersection he advised they continued to monitor radio transmissions. A State Police K-9 unit arrived on scene looking for his assignment. Officer Ambrosini advised that he left his assigned post and brought the Trooper about 100 yards up closer to Sue's Walk where the other assigned officers were stationed and turned the K-9 Trooper over to Trooper Forest for his assignment.

7. Officer Ambrosini stated he went back to his assignment and received a Nextel radio transmission from Officer Bohannon just as he arrived back with Officer Manfredi who was alone at that time. Officer Bohannon told Ambrosini that that suspect was talking to his mother on the phone and was saying "he could see a police officer and he would take him hostage."

8. Officer Ambrosini suggested to Tony that they change locations in case that's "us" he was talking about so we decided to go further up into the wooded area in the southeast corner of the intersection. Because of the bright lighting at the intersection we then switched to the southwest corner. During this time he indicated they had their portable radios on and heard that the house in question had been cleared and that the suspect was out of the residence armed with a handgun. He further indicated upon questioning that he never heard any issue regarding the suspect having a bulletproof vest.

9. At this time Officer Ambrosini drew a map indicating of the intersection and the officers' positions: (1) officers original position (2) officers final position before encounter with suspect Hill.

10. Officer Ambrosini stated that after they moved to the 2nd location they heard trees and brush breaking in the northeast area of the intersection (see trees/brush on map). Tony called into Sgt. Haley that they had heard some movement. Haley asked to relay that to command and it was acknowledged by a female dispatcher.

11. Four or five times it became necessary to give up their position to direct and move civilian traffic from the intersection.

12. What seemed to Officer Ambrosini anywhere from 30 minutes to an hour they heard some breaking of brush behind their position. At the same time we both turned on our flashlights to light up our area from our position which was behind the large pine tree. Another car came along and we had to give up our position again to move the car along. Once the car left I asked Tony if he was OK with our checking of the brush behind us. Tony walked up to the roadway onto Samoset Road. I knelt down and moved on my knees. I then stood up and took a step as Tony was walking down the roadway towards First Encounter Beach. Then I heard Tony yell "show me your hands". He yelled it two times and then he yelled "he's got a gun, he's got a vest." Officer Ambrosini stated he did not hear any verbal response from Hill.

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At that time he indicated he heard the shots come from the area where Tony was standing in the roadway.

13. When Officer Ambrosini was asked to the best of his memory if he fired his weapon he stated "no."

14. When Officer Ambrosini was asked how many rounds he carried in the clip he stated that it was usually 27 or 28. He indicated that he knew there were less than 30 rounds because of the tension it creates on the spring.

15. Officer Ambrosini stated that right after the shooting he ran directly to Tony and covered down on the suspect. He indicated that he radioed in "shots fired, he's wearing a vest, Samoset and Herringbrook." He further stated that he and Tony stood by and other officers responded almost immediately. Officer Adam Bohannon took the gun and gave it to Officer Watson. The gun was cocked and Officer Watson gave it back to me to make it safe. I observed the hammer back and I safely unloaded the weapon. Officer Ambrosini stated he took the weapon to his cruiser and Officer Corrigan took it.

16. At the scene Officer Ambrosini stated he had gone to the ambulance to get some alcohol to cleanse himself as he had blood on his hands. At that time he spoke with Lt. Roderick who inquired if he was involved to which he indicated "yes." Officer Ambrosini stated he was directed to leave the scene and report directly to the Eastham Police Station.

17. Officer Ambrosini indicated that he went to Eastham Police Station and was later transported to Cape Cod Hospital.

18. Officer Ambrosini was asked about the lighting situation at the intersection and he advised that it was "awful for us." He stated that there was a large light illuminating the entire intersection and that was the reason that they moved to better cover in an area not illuminated after they had heard the radio transmission about the suspect being out of the house with a handgun.

19. Officer Ambrosini was asked if he could recall hearing any voices such as someone talking on a cell phone and he indicated "no."

20. Officer Ambrosini indicated that this was his first interview with any law enforcement authority since the time of the incident.

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N
Trees
(Brush)
Henry Brook Rd.
Samoset Rd.
Samoset Rd.
Pine Tree
2
1

H

Massachusetts State Police **Report of Investigation**

Station:	Massachusetts State Police Detectives-Cape & Islands District	**Case Number:**		**06-102-0900-0288**	
Reported by:	Sergeant Robert J. Knott Jr. #1304	**Controlling Case:**			
Signature:		**Date:**	**10-18-06**	**Page**	**1 of: 1**
Approved by:	Detective Lieutenant John J. Allen #0087	**Date:**		**Report No:**	
Subject:	**Shooting death of David Hill in Eastham on October 17, 2006.**				

On Tuesday October 17, 2006 this officer was at the Eastham Police Station with Chief Richard Hedlund when Gerard Hill came into the police station. Mr. Hill's son David had been shot earlier in the evening during an armed confrontation with an Orleans Police Officer.

I introduced myself to Mr. Hill and provided him with a glass of water and he asked how his son was doing. I informed Mr. Hill that his son was still alive and being treated by Eastham Fire Department personnel.

Mr. Hill stated to this officer, "Well he got what he wanted, he couldn't do it himself so he had the cops do it for him." I knew Mr. Hill was referring to his son David but I asked him to explain, Mr. Hill told me that his son has been very depressed and as recently as three weeks ago he was prescribed an anti-depressant by Dr. Reed at the Orleans Underground Mall. Mr. Hill stated his son had been taking the medicine but that He (Mr. Hill) had not seen any improvement in his son's depression.

Mr. Hill told me that last weekend his son had driven to Maine to visit his mother and while he was there he had purchased a .40 caliber handgun. Mr. Hill stated that on the way back to Massachusetts on Sunday his son was stopped for speeding and given a ticket which really "set him off." Mr. Hill stated his son was very upset about getting the ticket.

This officer was notified by radio to respond to Cape Cod Hospital to interview the Orleans Police and Truro Police Department officers involved in the shooting. This officer excused myself from the room Mr. Hill was seated in and advised him that someone else would be in to speak with him shortly.

I

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MASSACHUSETTS UNIFORM CITATION

M3866674

DATE CITATION WRITTEN	AGENCY CODE	OFFICER I.D. NUMBER	COURT CODE	TYPE OF CITATION: MOTOR VEH. ☒ OPER. ☐ OWNER
MAR 15 06 Y	SD2	2677	25	

VIOLATOR

MOTOR VEHICLE LICENSE NO. OF VIOLATOR	STATE	CLASS	CDL LICENSE	RACE	SEX	NON-INVENTORY MV SEARCH
9850303	ME	C	☐ YES ☒ NO	W	M	☒ NO ☐ YES CODE

VIOLATOR NAME (Last)	(First)	(Initial)	DATE OF BIRTH
HILL	DAVID	G	07-29-83

ADDRESS	CITY/TOWN	STATE	ZIP
188 NORTH MOUNTAIN RD	JEFFERSON	ME	04348

MV

PLATE TYPE	MOTOR VEHICLE REGISTRATION NO.	STATE	CDL VEHICLE	HAZARDOUS MATERIAL	MAKE AND TYPE	YEAR	COLOR
PAS	796 AAZ	ME	☐ YES ☒ NO	☐ YES ☒ NO	PONT. TRANS AM	02	BLK

OFFENSE(S)

DATE OF OFFENSE	LOCATION OF OFFENSE (Include #, st, hwy, city or town)	TIME OF OFFENSE	ACCIDENT
MAR 15 06 Y	ROUTE 6 EB (X3 → WEIGH STATION), SANDWICH	1430 ☐ AM ☒ PM	☐ YES ☒ NO

	CHAP/SEC/SUB		DESCRIPTION OF OFFENSE	ASSESSMENT
A.	90-11	☐ CRIM ☒ CIVIL	NO REG. CERT. IN POSSESSION	$ 35-
B.		☐ CRIM ☐ CIVIL		$
C.		☐ CRIM ☐ CIVIL		$
D. SPEEDING	☒ 90/17 ☐ 90/18	CIVIL	80 MPH IN A 55 MPH ZONE; ☒ POSTED ☐ NOT POSTED ☐ LIDAR; ☒ LOCKED ☐ RADAR ☒ ESTIMATED	$ 250-

SPEEDING ASSESSMENTS INCLUDE A $50 HEAD INJURY SURCHARGE

TOTAL DUE $ 285-

NOTICE TO VIOLATOR
SEE REVERSE SIDE FOR INSTRUCTIONS

NOTICE TO OFFICER
ENTER ASSESSMENT $ AND TOTAL DUE $ ONLY IF YOU CHECK "ALL CIVIL INFRACTIONS". ENTER COURT ADDRESS BELOW ONLY IF YOU CHECK "CRIMINAL APPLICATION".

COURT ADDRESS

OFFICER CHECK ONE ONLY: ☒ **ALL CIVIL INFRACTIONS** (See instruction A on back) ☐ **CRIMINAL APPLICATION** (See instruction B on back) ☐ **ARREST** ☐ **WARNING** (No action required by violator)

OFFICER CERTIFIES ☒ IN HAND TO VIOL. ☐ MAILED TO VIOL. ☐ IN HAND TO VIOLATOR'S AGENT

X [signature]

AGENT NAME

VIOLATOR/AGENT ACKNOWLEDGES RECEIPT OF CITATION

X

AGENT'S LICENSE NUMBER & STATE

VIOLATOR COPY

ON 10/17/06 AT APPROXIMATELY 2130 HOURS I RECEIVED A RADIO TRANSMISSION FROM STATE POLICE SOUTH YARMOUTH REQUESTING THAT I ASSIST THE EASTHAM POLICE DEPARTMENT WITH A SHOOTING INCIDENT WHICH HAD OCCURRED IN THEIR TOWN. I ARRIVED IN EASTHAM APPROXIMATELY TWENTY MINUTES LATER AND WAS DIRECTED DOWN SAMOSET ROAD BY MEMBERS OF THE EASTHAM POLICE TO A TEMPORARY COMMAND POST NEAR THE HOUSE WHERE THE SUSPECT WAS BELIEVED TO BE.

AT APPROXIMATELY 2340 HOURS, WHILE MAINTAINING A POSITION ON SAMOSET ROAD NEAR THE SUSPECT'S BELIEVED RESIDENCE, I HEARD SEVERAL SHOTS FIRED FROM A LOCATION APPROXIMATELY TWO TO THREE HUNDRED METERS WEST OF MY LOCATION. I IMMEDIATELY MOVED TOWARDS THE AREA ON FOOT AND ARRIVED AT THE CORNER OF SAMOSET ROAD AND HERRING BROOK ROAD A SHORT TIME LATER.

UPON MY ARRIVAL, I NOTED A WHITE MALE SUBJECT ON THE GROUND A SHORT DISTANCE FROM THE CORNER OF SAMOSET ROAD AND HERRING BROOK ROAD. THE SUBJECT WAS LYING ON HIS LEFT SIDE AND AS I APPROACHED I NOTICED THAT HE HAD WOUNDS ON HIS LEFT ARM. I FURTHER NOTED THAT THE SUBJECT APPEARED TO BE WEARING A WHITE BULLET RESISTANT VEST. THE SUBJECT WAS NOT MOVING OR RESPONDING TO SEVERAL OFFICERS THAT HAD BEGUN TO GATHER AROUND HIM. I NOTED THAT THE SUBJECT STILL HELD WHAT APPEARED TO BE A SMALL, BLACK, AUTOMATIC HANDGUN. THE WEAPON WAS QUICKLY REMOVED BY ONE OF THE OFFICERS AND SECURED.

I CROUCHED NEAR THE SUBJECT'S HEAD AND CHECKED HIS VITAL SIGNS. I NOTED THAT THE SUBJECT HAD A FAINT PULSE. THE SUBJECT DID NOT APPEAR TO BE BREATHING. I ASSISTED THE OTHER OFFICERS AS WE ROLLED THE SUBJECT GENTLY ONTO HIS BACK. I NOTED THAT THE SUBJECT HAD A WOUND ON THE LEFT SIDE OF HIS HEAD. RESCUE ARRIVED IMMEDIATELY AND BEGAN ASSISTING THE SUBJECT.

I MOVED FROM NEAR THE SUBJECT'S HEAD AND CROUCHED NEAR HIS MID-SECTION. I BEGAN TO CHECK HIM FOR ANY ADDITIONAL WEAPONS. DURING MY SEARCH, I LOCATED A FULLY LOADED MAGAZINE IN THE SUBJECT'S LEFT, FRONT, PANTS POCKET, WHICH I HANDED TO ONE OF THE OTHER OFFICERS. NEXT, I LOCATED A CELLULAR TELEPHONE IN THE SAME LEFT FRONT POCKET, WHICH I LET FALL TO THE GROUND. I ALSO FELT NUMEROUS LOOSE ROUNDS OF AMMUNITION IN THE LEFT, FRONT POCKET, BUT WAS UNABLE TO RETRIEVE THEM BECAUSE RESCUE PERSONNEL WERE BEGINNING TO REMOVE HIM FROM THE SCENE FOR TRANSPORT TO THE HOSPITAL. I DID NOT LOCATE ANY OTHER WEAPONS OR AMMUNITION ON THE SUBJECT.

I ASSISTED RESCUE PERSONNEL FROM THAT POINT ON UNTIL THE SUBJECT WAS PLACED IN THE AMBULANCE.

RESPECTFULLY SUBMITTED,

THOMAS C. FOREST 2521

TPR. 2521

TROOPER, MASS STATE POLICE
STATE POLICE SOUTH YARMOUTH, D-2

J

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 1 (continued) By: **Kerianne Dittrich** Incident **I0603269**

numbers stating they were involved and would have further information. Ms. Martha Hill and David Hill's father Gerry Hill were and had direct contact with Mr. David Hill in person and via telephone to his mother in Maine. The information was passed on to Chief Hedlund at that time.

At 2157 hours, Ms. Hill called and stated that David wanted to be taken down by a cop.

At 2206 hours, Ms. Martha Hill called to state that David was at his residence at 2 Sue's Walk and that she knew that because David had contacted her via cellphone. She also made reference that Gerry was in the residence with David possibly being held hostage. She said she heard David say on the phone "to just sit down" to whomever was in the room with him at the residence.

At 2259 hours, Mr. Hopkins called to advise David has left the residence and he knew this because David had called his mother in Maine to advise her. I then called Ms. Hill to confirm the same and she did confirm that David called her by cell and he was out of the residence.

All other phone calls after this point that were made to the police station by either Martha Hill or Rich Hopkins were tranfered to Chief Hedlund.

Respectfully submitted,
Dispatcher Kerianne Dittrich

Narr. 2: **SERGEANT MARK T. HALEY** Division: **None** Status: **Open** [I0603269]
Title: **INCIDENT REPORT** Entered: **DISPATCHER J. AUSTIN**
Reviewed: **DISPATCHER J. AUSTIN**

On 10/17/2006 at 1914 hours I was advised by Dispatcher Dittrich that there was some type of loud crash outside of our station. I checked Route 6 from Samoset Road to our station driveway entrance which produced negative results. I then drove through our station parking lot and checked some vehicles that were parked in our lot and they all appeared to be OK. I then exited the station parking lot and again checked the area of Route 6, which produced negative results. I then cleared. At or around 2000 hours I came into our station and went to the Dispatch area to relieve Dispatcher Dittrich for her dinner break. At 2021 hours Dispatcher Dittrich came back to the Dispatch desk and while speaking to her I heard 4 loud bangs in the area of the front lobby. I looked out towards the front entrance and saw what appeared to be some type of dust moving around on top of the ledge that is at the entrance of the building. I then left the Dispatch area and went out into the lobby area and began to look in the area of the ledge. While doing same, a group of people who were in a meeting next to the lobby (conference room) state "sounds like light bulbs popping." I then observed some type of hole in the west section of the sheet

K

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 2 (continued) By: **SERGEANT MARK T. HALEY** Incident **I0603269**

rock, as well as another hole in the south part of the sheet rock. I then went outside, through the front door and observed the lower right window pane to be shattered. I saw a medium size hole in the window, in the first part of the window pane, but the second part of the glass was still intact. While examining the window I observed some type of scrape on the second part of the glass. This scrape went to the right and it appeared something was lodged in the corner part of the window frame. I then went back into the station and removed the subjects from our conference room and escorted them to their cars. I then went back to our station and went to our garage area, looking for a ladder, but was unable to locate one. I then requested Dispatcher Dittrich to contact the Fire Department and request a ladder. A short time later Paramedic Albino (Eastham Fire Department) came to our station. While advising her of the possible shooting at our building, she stated while she was at the fire station and heard what she thought to be 4 gun shots in the area of Route 6 and the fire station. While she was making this statement, Ofc. Deschamps was able to locate a ladder. We then placed the ladder on the ledge and I climbed up to the ledge. Upon the ledge I observed what I believed to be a single gun shot through the sheet rock. It appeared it entered from outside on Route 6. it passed through the west facing sheet rock and into the south section of the sheet rock and the bullet was lodged there. I then climbed down from the ledge, went back into the Dispatch area and called Chief Hedlund about this incident. After speaking to him, I contacted the Orleans Police Department and Wellfleet Police Department about this shooting incident. I then was advised by Dispatcher Dittrich that the Giffords called to report that they heard some gun shots. The Giffords live at 2605 Route 6, which is somewhat across from this building. I advised Ofc. Deschamps to respond to said location and get a statement on this incident. I then had Dispatcher Dittrich call BCI for photos. At that point I went outside of our building and did a check of the exterior. While checking in the area of the conference room windows, I observed what appeared to be another bullet hole in the window casing. I observed a small hole that went through the outside window case, continued into the inside of the building (window case) and stopped. I observed the window trim (inside) to be pushed outward with what appeared to be sheet rock dust on the window frame. At that point I went back inside the station and again contacted Chief Hedlund to advise him that it appeared that our building was struck 3 times with bullets. Chief Hedlund advised me that he was en route to our station. A short time later Chief Hedlund arrived at our station. I advised him of this incident as well as BCI and a GBC was issued, as well as surrounding police departments were advised. I also pointed out where the bullets were while speaking to Chief Hedlund. It was our view that we should close Route 6 to preserve any evidence (shell casings). Trooper Covino of the Massachusetts State Police arrived at our station. I advised him of this incident and that we were going to close Route 6. I then went back into the station and called the Orleans Police Department. I spoke to Ofc. Boucher and requested their assistance for a traffic detour, Route 6 and Samoset Road. He advised me he would send a cruiser to our town, I then called the Wellfleet Police Department and requested that they send a cruiser to Route 6 and Locust

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 2 (continued) By: **SERGEANT MARK T. HALEY** Incident **I0603269**

Road and to divert traffic down Locust Road.
At or around 2110 hours I began calling other members of our department to have them respond in for extra coverage. A short time later, at 2133 hours I overheard Dispatcher Dittrich on the phone. I heard her state "How do you know this?" At that point she finished the phone call and placed the subject on hold. She then stated "David Hill was the one who shot our building." I asked her how she knew that. She stated a Mr. Rich Hopkins was on the phone and he knew that David was the shooter. I then spoke to Mr. Hopkins on the phone. Mr. Hopkins stated he was a police officer from Mansfield and that he had a phone conversation with a Martha Hill, David Hill's mother. Mr. Hopkins stated that David had stated to Martha that he just shot the police station. Mr. Hopkins then went on to state that David was going to Orleans to buy some cigarettes and going home to his house, which is in Eastham. Mr. Hopkins also stated that David had a firearm with him and that he was looking to do a "suicide by cop." At that point I passed the phone call over to Chief Hedlund. I then called the Orleans Police Department to advise them that Mr. David Hill was our suspect in the station shooting and that he was going to Orleans to buy some cigarettes. While speaking to Ofc. Boucher of the Orleans Police Department, I was advised by Chief Hedlund that Mr. Hill was driving a black Camaro as well. This information was passed on to the Wellfleet Police Department.
At that point Ofc. Bohannon arrived at our station. He and myself got into unit #3 and started a south patrol, looking for Mr. Hill's motor vehicle. While on patrol, at 2220 hours Ofc. Bohannon and myself observed a black Trans Am traveling northbound on Route 6, in the area of Fort Hill. We turned our cruiser around and were able to catch up to the vehicle in the area of Aeries Ave. The registration on the vehicle was MA 96ZY55. As we were behind the black Trans Am, Ofc. Bohannon stated that David's Trans Am has Maine plates. We continued to follow the vehicle north on Route 6, and in the area of the Eastham Post Office I observed what I believed to be a female operator. We followed the vehicle onto Samoset Road and then I activated my cruiser blue lights. The vehicle came to a stop on Samoset Road. Myself and Ofc. Bohannon approached the vehicle. I asked the operator, who I know to live at David Hill's house, where David was tonight. The operator was removed from the vehicle. I again asked her where David was tonight. She stated "he should be home." I then asked her if she had his cell phone number. She stated "yes." I then asked her if I could have it. At that point the female started to make a cell phone call. I advised her that I wanted the number, and she turned away from me. I then removed the cell phone and advised her that we needed the phone for David's cell phone number. The female was very reluctant for us to have the phone. We took the phone so we could make contact with Mr. Hill, to end this matter in a peaceful way. We then cleared.
A short time later I was advised by the station that Mr. David Hill was at his residence, 2 Sue's Walk in Eastham. I then began to set up a perimeter around Mr. Hill's residence. I had Ofc. Deschamps of the Eastham Police Department, start a traffic detour down Great Pond Road from Samoset Road. I had Ofc. Watson and Ofc. Corrigan of the Eastham Police Department, set up a detour and

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 2 (continued) By: **SERGEANT MARK T. HALEY** Incident **I0603269**

road closure at Lawton Road and Herringbrook Road. I had Ofc. Manfredi of the Orleans Police Department and Ofc. Ambrosini of the Truro Police Department, set up a road closure at Herringbrook Road and Samoset Road. Myself and Ofc. Bohannon parked our cruiser about 300 yards west of 2 Sue's Walk. I then advised Chief Hedlund where all the cruisers were. He advised me that the Yarmouth and Barnstable response team was en route to our town as well, and that the command post was going to be set up at Great Pond Road and Samoset Road. During our time at my location, Sgt. Plath arrived along with several other troopers. See Sgt. Plath's report.
While we were at our staging area, we were advised by Dispatcher Dittrich that Mr. Hill was possibly holding his father hostage in the basement. A short time later I was advised by Ofc. Bohannon that he received information from Lt. Roderick, that Mr. David Hill was possibly on foot and that he had a handgun with him. At this point all of the other units were advised of this new information. While still at our location, we were advised that Mr. David Hill was possibly wearing a bullet proof vest and that he was looking to take a cop as hostage. After getting this information, Ofc. Manfredi, Orleans Police Department, advised me via his portable radio, that he heard some type of movement at the northeast corner of the Herringbrook and Samoset Road intersection. I then advised the Command Post of this information. A short time later, estimated 5 minutes, I contacted Ofc. Manfredi via my portable radio. I asked him if he had any other movement in that area. He stated "no." At or around 2335 hours Sgt. Schnitzer advised me to have 3 officers respond to Sands Way to secure the roadway area. At or around 2340 hours Ofc. Bohannon went to Sands Way. Ofc. Bohannon was with Trooper Buckley (Massachusetts State Police) and another marked State Police cruiser went with them.
At 2343 hours, while still at our staging area, I heard 2 gun shots coming from the area of Herringbrook and Samoset Road. I advised our station, over my portable, that there were gun shots fired. I then heard 2 or 3 more gun shots, again from the Herringbrook Road and Samoset Road area. I then got into my cruiser and responded towards the area of the gun shots. I came to the Herringbrook and Samoset Road intersection and I observed two officers on the west side of Herringbrook Road, Samoset Road, and that they, the officers, were on the south side of Samoset Road. Both officers were facing towards the woods. I pulled my cruiser across Herringbrook Road and exited my cruiser. I observed Officer Manfredi walking east on Samoset Road, on the northern side of the road. I observed Officer Manfredi, still carrying his long rifle and he appeared to be very visibly shaken. I asked Officer Manfredi if he was OK. He stated "no, he pointed the gun at me." At that point Officer Tibbetts, Orleans Police Department, was next to me. I advised Officer Tibbetts to take Officer Manfredi away from this area. I then went to my cruiser and got my medical box, as well as my oxygen tank. I then moved into the woods line area, where Officer Ambrosini, Truro Police Department, and Officer Bohannon, Eastham Police Department, were. They both had their firearms pointed into the woods and they stated the suspect was in there. I then shined my flashlight into the area and observed a male on the ground, not moving. I, along with Officer Bohannon and Officer Ambrosini, advanced into the woods, towards the suspect.

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 2 (continued) By: **SERGEANT MARK T. HALEY** Incident **I0603269**

As I got closer I could see it was Mr. David Hill, a person I have had past dealings with.
As I got closer, and over the body, I observed Mr. Hill to be wearing a bullet proof vest. Mr. Hill was laying on his left side, somewhat in the fetal position. I then observed a black handgun in his left hand. The back of Mr. Hill's left hand was resting on the ground with the black handgun resting in the palm side of his left hand and his right hand was resting on top of the gun. I then removed the firearm from Mr. Hill's hands and I observed the weapon to still be cocked. I then gave the weapon to Officer Bohannon to secure. At that point Trooper Forest, who also come into the woods, did a quick search of Mr. Hill's pockets. A loaded black magazine clip was removed from Mr. Hill's front left pocket. Trooper Forest then gave me the magazine clip to hold as evidence. At that point Rescue was advised to respond to our location. While awaiting Rescue, Officer Bohannon and myself took custody of Mr. Hill.
Rescue arrived at our location, where he was given advanced first aid. He was taken out of the woods and placed in the ambulance and transported to CCH. I remained on location for some time, then myself and Officer Bohannon cleared.

Respectfully submitted,
Sgt. Mark T. Haley

MTH/jca

Narr. 3: **CHIEF RICHARD R. HEDLUND** Division: **None** Status: **Open** **[I0603269]**
Title: **SUPPLEMENT** Entered: **DISPATCHER M. BEAULIEU**
Reviewed: **DISPATCHER J. AUSTIN**

On 10/17/06 at approximatley 2045 hours, I was advised by Sgt. Mark T. Haley that our police facility appeard to have been struck by gunfire, and that he was in the process of assessing the situation. I advised him to call me with updates as soon as he could, and began to get ready to respond. Sgt. Haley called back shortly thereafter and advised me that he had evacuated the occupied conference room, and he had called B.C.I. and that he was still assessing the situation. I requested that Sgt. Haley quickly put out a General Broadcast advising of the incident, and that I would be responding to the station shortly.

Upon my arrival, I was met by Sgt. Haley and Barnstable County Deputy Sheriff John Szucs. We were observing the damage by apparent gunfire to the lobby of the station (right of the entrance door) glass window, a bullet hole in the upper portion of the front wall, and the outside trim to one of the windows in the conference room.

Sgt. Haley advised me that the Massachusetts State Police Ballistics Team was requested to respond to our location. Firefighter Lisa Albino appeared in the lobby of our station, and I confirmed that her station's

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 6 (continued) By: **SERGEANT R. SCHNITZER** Incident **I0603269**

and I arrived at #2 Sue's Walk at approximately 0238 hours. We Announced ourselves, and there was no reply. A trooper, who was already on scene, assisted us in the search. Eventually, the State Police Crime Scene Services arrived and photographed the interior of the residence and David's vehicle. During the search, I saw shotgun shell boxes under the kitchen bathroom sink. In a second story south bedroom I noticed an empty Baretta handgun case, a gun lock, and loose ammunition. In the basement was a coin room. In a box on a shelf were 3 boxes of .22 caliber ammunition. I turned the .22 caliber ammunition over to Detective Novotny, who then secured the same as evidence. The aforementioned ammunition, gun case and gun lock were all photographed by the State Police and then secured as evidence by Detective Novotny. Detective Novotny had also located a rifle and a sword that he also seized as evidence. Detective Savin remained on scene to await an impoundment tow of David's Pontiac Firebird (Maine registration). Detective Novotny and I returned to the station with the evidence, and we secured the items in the evidence locker. I went off duty at approximately 0730 hours on Wednesday, 10/18/2006. This report is a summary of the incident I0603269 to the best of my recollection, and it does not necessarily reflect all of the facts of said incident, and said report may be amended or altered as the investigation continued or as information becomes available or is discovered.

Respectfully submitted,
Sgt. Robert A. Schnitzer

RAS/jca

Narr. 7: **OFFICER D. WATSON** Division: **None** Status: **Open** [I0603269]
Title: **SUPPLEMENT** Entered: **DISPATCHER J. AUSTIN**
Reviewed: **DISPATCHER J. AUSTIN**

On 10/17/2006 at 2343 while assigned to secure a perimeter location at Herringbrook Road and Lawton Road, received a call from Sgt. Haley to respond to Samoset Road and Herringbrook Road for shots fired. I arrived on location at 2244 and was advised the suspect had been shot and was down. Sgt. Haley removed a handgun from the suspect and gave it to Ofc. Adam Bohannon of the Eastham Police Department. Ofc. Bohannon handed the weapon to me. Ofc. Nick Ambrosini rendered the weapon safe and I regained possession. I carried the weapon believed to be a Beretta blue steel semi-auto pistol, one clip with rounds and one loose round to unit 8 and completed an evidence tag. I handled the weapon while wearing rubber gloves. Upon examination I observed what appeared to be fresh blood on the weapon. The weapon, clip and rounds were placed in an evidence bag with an evidence tag.
The evidence bag containing the handgun was turned over to Lt. Melia of the Massachusetts State Police at the scene.

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE

Narrative 7 (continued) By: **OFFICER D. WATSON** Incident **I0603269**

Respectfully submitted,
Ofc. Donald A. Watson

DAW/jca

Narr. 8: **DETECTIVE BRIAN L. SAVIN** Division: **None** Status: **Open** [I0603269]
Title: **HILL INTERVIEW** Entered: **DETECTIVE BRIAN L. SAVIN**
Reviewed: **DISPATCHER J. AUSTIN**

On Wednesday, 10/18/06, at approximately 06:00 hours, I arrived at the Sheraton 4 Points, as previously arranged to meet Gerard Hill. Mr. Hill and his female worker were transported to the hotel by myself earlier in the morning. I returned to transport them to the Box Lunch, Hill's business, to open for the day. During the transport and following hour I spoke to Gerry about the events of the prior day.

Mr. Hill started by telling me his son, David Hill (07/29/83), had a turning point in his (David's) life in high school. David had been beaten by a Lucas Barr and knocked out. David suffered fractures to the orbital bone (eye socket) as a result of the beating. Upon David's regaining consciousness he ran from the scene. David was made fun of by his running and not fighting. As a result of the ridicule David received from school mates he (David) developed a need to prove himself in other peoples' eyes. Mr. Hill explained to me David never recovered from that feeling. As a result David would get into fights in school and defy school rules. An example I was given was David would be suspended from school for fighting then return to school knowing he was not supposed to be there. David would challenge authority.

Mr. Hill told me David had been stopped on Sunday, 10/15/06, by a Massachusetts State Trooper. Mr. Hill inferred that David had been difficult to deal with when speaking to the Trooper. The Trooper reportedly advised David he could receive jail time for a pending charge on his (David's) BOP. According to Mr. Hill this bothered David knowing his Pre-Trial Hearing was coming up on October 30, 2006 on the charge. Mr. Hill stated he believed this anxiety caused David to go back to using alcohol since Sunday.

I talked to Mr. Hill about the events of the day leading up to this incident. Mr. Hill said David had worked at Box Lunch on Wednesday morning leaving to go home around 12:00 hours. Mr. Hill said at about 14:00 hours he (Gerry) left the Box Lunch enroute to the bookkeeper in Brewster. Mr. Hill told me he received a phone call from David while enroute. David reportedly told his father he (David) needed to speak with his Dad about something. Mr. Hill told me he had advised David he would be back after going to the bookkeeper. While enroute back from the bookkeeper David again called his father stating the same. Mr. Hill said he returned to his home to meet David at about 15:30 hours. Hill told me David was very despondent and suicidal. David broke down and cried. David reportedly repeated to his father that he (David) wanted to die. Mr. Hill said he attempted to get David to seek

The Commonwealth of Massachusetts
Office of the Chief Medical Examiner

REPORT OF AUTOPSY

Name of Decedent: David Hill M.E. Case # 2006-21623

Autopsy Performed by: Dr. William M. Zane Date of Autopsy: 10/18/06

FINAL DIAGNOSES

I. Perforating gunshot wound of head.

A. Entrance on back of head.
B. Injury to scalp, skull, dura and brain.
C. Path: front to back and right to left.
D. No projectile recovered.

II. Perforating gunshot wound of left shoulder.

A. Entrance on posterior lateral surface of left shoulder.
B. Injury to skin, muscle and bone.
C. Path: left to right and upward.
D. No projectile recovered.

III. Perforating gunshot wound of left arm.

A. Entrance on posterior lateral surface of left arm.
B. Injury to skin and muscle.
C. Path: left to right and back to front.
D. No projectile recovered.

M

IV. Perforating gunshot wound of left forearm.

A. Entrance on posterior surface of left forearm at the wrist.
B. Injury to skin, muscle and bone.
C. Path: left to right and back to front.
D. No projectile recovered.

V. Perforating and penetrating gunshot wound of left thumb.

A. Entrance on base of left thumb.
B. Injury to skin and bone.
C. Path: downward.
D. Deformed bullet jacket recovered.

VI. Abrasions and contusions of the extremities and abdomen.

CAUSE OF DEATH:

SKULL FRACTURES AND BRAIN LACERATIONS DUE TO GUNSHOT WOUND OF HEAD

MANNER OF DEATH:

HOMICIDE

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE CHIEF MEDICAL EXAMINER

REPORT OF AUTOPSY

CASE NO. 2006-21623

I, William M. Zane, M.D., Medical Examiner, hereby certify that I have performed an autopsy on the body of David Hill on October 18, 2006 and on October 19, 2006 in the Boston Office of the Chief Medical Examiner of the Commonwealth of Massachusetts.

EXTERNAL EXAMINATION:

The body is of a 68 inch, normally developed, white male appearing the reported age of 23 years and weighing 178 pounds. The scalp hair is brown, 4". The irides are brown and the conjunctivas are clear. The corneas are cloudy. The natural facial orifices are clear. The lips are without injury and the natural dentition is in good repair. The neck, torso, back, external genitalia and anus are unremarkable. The upper and lower extremities are symmetrical and normally developed. There are no significant scars or tattoos.

POST MORTEM CHANGES:

Post mortem changes consist of full rigor and fixed posterior lividity.

CLOTHING:

On the body is a sock on the right foot.

THERAPEUTIC PROCEDURES:

An endotracheal tube is in the mouth.

INJURIES, EXTERNAL AND INTERNAL:

GUNSHOT WOUND OF HEAD:

There is a gunshot entrance wound of the back of the head, in the midline, 1" below the top of the head. With the edges of the wound approximated, the entrance wound is round, has a 1/4" diameter, has a 1/16" abrasion collar and has no soot or powder. The path is through the scalp, dura, skull and left parietal lobe of the brain. The defect of the brain measures 8 cm. by 5 cm. by 5 cm. A portion of calvarium measuring 6 cm. by 4 cm. is absent. All the sutures of the calvarium and portion of the basal skull are fractured. Extending anterior and to the left of the entrance site are three skin lacerations with skin flaps measuring 4" and 3". The path of the wound is front to back and right to left. No projectile recovered.

GUNSHOT WOUND OF LEFT SHOULDER:

There is a gunshot entrance wound on the left shoulder on the lateral-posterior surface. The wound is 13" below the top of the head and 8" from the midline of the body. The wound measures ¼", has an eccentric marginal abrasion and is round. There is no soot or powder. The wound path is through the skin, muscle and bones of the shoulder girdle. A 2" defect is on the top of the shoulder 12" below the top of the head 5" to the left of the midline. A smaller ½" defect is 2" to the left of the midline. The path of the wound is left to right and upward. No projectile is recovered.

GUNSHOT WOUND OF LEFT ARM:

There is a gunshot wound of the left arm on the posterior lateral surface, 19" below the top of the head. The wound is round, ¼" with a 1/16" rim of abrasion. There is no soot or powder. A vertically oriented skin tear, measuring 1 ¾", passes through the center of the wound. The path is through skin and muscle and is lateral and anterior to the humerus. On the anterior surface there are two defects measuring 6" by 3" and 3" by 1 ¼". The path of the wound is left to right and back to front. No projectile is recovered.

GUNSHOT WOUND OF LEFT FOREARM:

There is a gunshot entrance wound of the left forearm on the posterior surface, 31" below the top of the head. The wound is round, ¼" with a 1/16" rim of abrasion. There is no soot or powder. The path is through skin, muscle, and the radius and ulna bones. There is a gunshot exit wound on the medial and anterior surface of the forearm measuring 5" by 2 ½". The path of the wound is left to right and back to front. No projectile is recovered.

GUNSHOT WOUND OF LEFT THUMB:

There is a gunshot entrance wound on the back of the left thumb. With the arm at the side of the body the wound is 36" below the top of the head. The wound is linear measuring ½" by 1/8". There is no soot or powder. The wound is through skin and bone. A deformed bullet jacket is recovered below the entrance wound. There is a linear ½" long gunshot exit wound approximately 1" inferior to the entrance wound. The path of the wound is downward.

FACIAL AND EXTREMITY ABRASIONS AND ABDOMINAL CONTUSIONS

RIGHT FOREARM:

There are three superficial abrasions on the posterolateral surface of the right forearm measuring up to 2".

RIGHT HAND:

A 2" abrasion is on the right hand, a 1/8" abrasion is on the fifth finger and 1/8" abrasion is on the fourth finger.

RIGHT THIGH AND LEG:

Eight abrasions are above the right knee measuring up to ¼". Two 1/8" abrasions are on the knee and one 1" is below the knee.

ABDOMEN:

Three irregular contusions are on the left abdomen with brown discoloration.

LEFT LEG:

There is a 1 ½" linear abrasion of the left shin and two 1/8" abrasions above the left ankle.

There is no blunt force injury of the torso, neck or lower extremities. There are no petechial hemorrhages of the eyes or laryngeal mucosa.

These injuries, having been described, will not be repeated.

INTERNAL EXAMINATION:

BODY CAVITIES:

The lungs are expanded and the organs are in their usual anatomic locations. There are no adhesions or significant fluid accumulations.

HEAD:

For the uninjured portions of the head, the scalp is without subcutaneous and subgaleal hemorrhage. The external meninges are without epidural or subdural hemorrhage. The cerebrospinal fluid is clear. The brain shows normal external symmetry and weighs 1400 grams. The brain is without old traumatic injury or natural disease processes. The vessels at the base of the brain are patent and pursue the usual courses.

NECK:

The lumen of the larynx and trachea are without of foreign material or abnormal secretions. The

mucosa is congested and without petechial hemorrhages.

CARDIOVASCULAR SYSTEM:

The heart weighs 350 grams and the epicardial surface is smooth. The coronary ostia and arteries are patent and the vessels pursue their usual courses. The myocardium is red-brown, firm and without focal abnormality. The endocardium and valves are unremarkable. The venae cavae, pulmonary artery, and its major branches are without thrombus. The aorta is unremarkable.

RESPIRATORY SYSTEM:

The left lung weighs 410 grams; the right lung weighs 340 grams. The pleural surfaces are smooth and glistening. The parenchyma has minimal congestion and edema without focal lesions. The bronchi are congested.

LIVER, GALLBLADDER, PANCREAS:

The liver weighs 1800 grams and has a smooth capsular surface with sharp anterior margins. The parenchyma is red-brown, of the usual consistency and without focal abnormality. The gallbladder contains approximately 1 mL of green bile and the biliary passages are patent. The pancreas is unremarkable.

HEMIC AND LYMPHATIC SYSTEMS:

The spleen weighs 150 grams and has an intact capsule. Its parenchyma is purple and firm. There is no lymphadenopathy.

GENITOURINARY SYSTEM:

The left kidney weighs 130 grams; the right kidney weighs 130 grams. The cortical surfaces are smooth. The kidneys have good corticomedullary definition and calyces and ureters are unremarkable. The bladder contains 50 mL of urine and the mucosa is unremarkable.

ENDOCRINE SYSTEM:

The thyroid and adrenal glands are unremarkable.

DIGESTIVE SYSTEM:

The tongue and esophagus are unremarkable. The stomach contains approximately 300 mL of pink-tan thick fluid. The mucosa is unremarkable. The duodenum and remainder of the small and large bowel are unremarkable. The appendix is present.

MUSCULOSKELETAL SYSTEM:

The skeletal muscle is red/brown. The remaining long bones of the extremities, bony thorax, pelvis and vertebral column are without palpable fracture.

HISTOPATHOLOGY:

Tissue is retained and preserved in formalin.

TOXICOLOGY:

Blood, urine, gastric contents and vitreous fluid are submitted for analysis; a separate report will be issued.

EVIDENCE:

X-rays, digital images, blood and diagrams are retained at this office. Fingernail clippings, head hair, blood and the bullet jacket are submitted to the Massachusetts State Police.

William M. Zane, M.D.
Medical Examiner

10/19/06/wz/dft
10/27/06/wz/fnl

RUN ON: 11/03/06 1027 TYPE OF REPORT: Doctor Report
RUN FOR: 10/03/06-11/03/06 REPORT GENERATED AT MEMORIAL CAMPUS

PATIENT: **CASE,CME06-21623** MR#: PHONE:

LOCATION	AGE	SEX	PHYSICIAN NAME	ACCOUNT #	STATUS	REG DATE
XX-CMEB	99	M	ZANE,WILLIAM MD	XX000026375	REG REF	10/24/06

DOB:

ADM COMMENTS: DAVID HILL

SPEC #: 1024:F00002R 19535623 **STATUS:** COMP **COLL:** 10/24/06-UNK **RECD:** 10/24/06-1600

ORDERED: SOLVENT SCREEN, DOA BLOOD, BLD COMP TOX SC

Test	Result	Flag	Reference
> Specimen Type	Blood(a)		
	1 JAR Fluoridated femoral		
SOLVENT SCREEN(a)			
> Methanol	None Detected		gm%
> Ethanol	0.08		gm%
> Isopropanol	None Detected		gm%
> Acetone	None Detected		gm%
DRUGS OF ABUSE BLOOD(a)			
> Benzodiazepines	None Detected		
> Cocaine/Coc Metab	None Detected		
> Fentanyl	None Detected		
> Methadone	None Detected		
> Opiates	None Detected		
> Oxycodone	None Detected		
> BLD COMP TOX SCREEN	(a)		
	Specimen quantity insufficient for analysis.		

SPEC #: 1024:F00003R 19535625 **STATUS:** COMP **COLL:** 10/24/06-UNK **RECD:** 10/24/06-1600

ORDERED: Specimen Type, DOA URINE

Test	Result	Flag	Reference
> Specimen Type	Urine(a)		
DRUGS OF ABUSE URINE(a)			
> Amphetamines	None Detected		
> Barbiturates	None Detected		
> Benzodiazepines	None Detected		
> Cannabinoids	None Detected		
> Cocaine/Coc Metab	None Detected		
> MDMA	None Detected		
> Methadone	None Detected		
> Opiates	None Detected		
> Phencyclidine	None Detected		
> Propoxyphene	None Detected		

(a) UMassMemorial Medical Center
One Innovation Drive, 3rd Floor Suite 360, Worcester, MA 01605

H = High L = Low * = Panic # = Delta

** CONTINUED ON NEXT PAGE **

RUN ON: 11/03/06 1027 TYPE OF REPORT: Doctor Report
RUN FOR: 10/03/06-11/03/06 REPORT GENERATED AT MEMORIAL CAMPUS

PATIENT: **CASE,CME06-21623** MR#: PHONE:

LOCATION	AGE	SEX	PHYSICIAN NAME	ACCOUNT #	STATUS	REG DATE
XX-CMEB	99	M	ZANE,WILLIAM MD	XX000026375	REG REF	10/24/06

DOB:

ADM COMMENTS: DAVID HILL

SPEC #: 1024:F00004R 19535629 **STATUS:** COMP **COLL:** 10/24/06-UNK **RECD:** 10/24/06-1600

ORDERED: Specimen Type, SOLVENT SCREEN

Test	Result	Flag	Reference
> Specimen Type	Vitreous Humor(b)		
SOLVENT SCREEN(b)			
> Methanol	None Detected		gm%
> Ethanol	0.17		gm%
> Isopropanol	None Detected		gm%
> Acetone	None Detected		gm%

SPEC #: 1024:F00005R 19535630 **STATUS:** COMP **COLL:** 10/24/06-UNK **RECD:** 10/24/06-1600

ORDERED: CME HOLD

Test	Result	Flag	Reference
> Specimen Type	Fluid(b)		
	GASTRIC		
	300 ML		

(b) UMassMemorial Medical Center
One Innovation Drive, 3rd Floor Suite 360, Worcester, MA 01605

H = High L = Low * = Panic # = Delta

** END OF REPORT **

FIB#06-13249

The Commonwealth of Massachusetts
Department of State Police

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT C. HAAS
SECRETARY

COLONEL MARK F. DELANEY
SUPERINTENDENT

59 Morse Pond Road
Sudbury, Massachusetts 01776
November 8, 2006

Re: #06-102-0281
David MILL
Eastham

Tpr. Patricia Beehan
Mass State Police Detectives
1172 State Road
South Yarmouth, MA 02664

Dear Trooper,

On October 17 & 18, 2006 the following items had cause to be submitted to this section for examination:

A/ .40S&W caliber Beretta Cougar Model-8040 semi automatic pistol, serial #036352M6 . Safety-off, slide locked open, empty. With one (1) loose live Ctge and magazine containing ten (10) live Ctges. All live Ctges "R-P 40 S&W". Barrel length: 3 & 5/8 inches.

B/ One (1) .40 caliber class jacketed spent projectile, weight: 180.0 grains. Recovered from window frame, Eastham Police Dept.
Four (4) gray metal fragments, total weight: 59.8 grains. reported recovered on walkway of Eastham Police Dept.

C/ Five (5) discharged Ctge casings, all "R-P 40 S&W". Reported recovered on route 6 Eastham.

D/ Seven (7) discharged Ctge casings, all "HORNADY 223 REM". All recovered on Samoset Road.
Two (2) discharged Ctge casings, both "HORNADY 223 REM". Reported recovered in grass along Samoset Road.

E/ .223 caliber Colt AR-15A3 Tactical Carbine model semi automatic rifle, serial #LBD017518. With magazine containing sixteen (16) live Ctges, all "R-P 223 REM". Barrel length: 17 & ½ inches.

F/ .223 caliber Colt AR-15 SP1 model semi automatic rifle, serial #SP199729. With magazine containing ten (10) live Ctges, four "FRONTIER 223 REM" and six "HORNADY 223 REM". Barrel length: 17 & ½ inches.

Firings for test specimens were conducted on items A, E and F with no malfunctions being noted. Seven of the submitted live Ctges were used testing.

Trigger pulls: Item E = 7.50 to 7.80 Lbs.
Item F = 7.40 to 7.65 Lbs.

N

As a result of physical and microscopic examination of the tests from items A, E and F against the submitted evidence, it is my opinion that:

a/ The spent projectile mentioned in item B was fired from the Beretta Cougar M-8040 pistol, #036352MC.

b/ The five discharged Stge casings mentioned in item C were all fired by the Beretta Cougar M-8040 pistol, #036352MC.

c/ The nine discharged Stge casings mentioned in item D were all fired by the Colt AR-15 SP1 semi automatic rifle, #SP199729.

d/ I am unable to make any futher identification of the four gray metal fragments mentioned in item B.

No sales or stolen records on item A Beretta Cougar pistol. B.A.T.F. conducting trace, report to follow.

Sincerely,

Michael R. Arnold

Trooper Michael R. Arnold
Massachusetts State Police
Firearms Identification Section