

FINDINGS OF ESSEX COUNTY DISTRICT ATTORNEY JONATHAN W. BLODGETT  
REGARDING OFFICER INVOLVED FATAL SHOOTING OF ANTONIO GONZALEZ, OF  
LAWRENCE ON APRIL 26, 2016 IN LAWRENCE.

The Essex District Attorney's Office and the Massachusetts State Police assigned to the Essex District Attorney's Office have concluded the investigation into the domestic stabbing of Yenny Santos and fatal shooting of her assailant Antonio Gonzalez, by the Lawrence Police at 18 Melrose Street in Lawrence on April 26, 2016.

Based upon a thorough investigation of the facts surrounding the shooting and the application of the case law pertaining to the use of force to defend oneself or another, it is determined that, while it ultimately appears that the firearm that Gonzalez brandished at officers was inoperable, the officers reasonably believed Gonzalez posed an immediate threat of killing or seriously injuring them or others. The officer who shot Gonzalez therefore bears no criminal responsibility for shooting him. Gonzalez was armed with an apparent firearm and had already gravely injured Yenny Santos and was holding his small child hostage. Additionally responding officers heard what they believed to be gunshots and, at the time of the shooting of Gonzalez, the officer and others observed Gonzalez pointing a firearm at both the officers and two females who had arrived on the scene.

Framework for the Investigation

The Essex District Attorney's Office, by statute, has the duty and authority to oversee all death investigations in Essex County. Resources of the Essex County District Attorney's Office were dispatched to 18 Melrose Street while it was still believed to be an active shooter scene based on the multiple statements of Gonzalez that he had killed Santos. As the circumstances warranted, those resources were redirected to determine if the fatal shooting of Gonzalez by a Lawrence Police officer was legally justified.

A determination as to whether the actions of the involved police officer could constitute a criminal act must be considered in light of the applicable case law on the use of force by law enforcement. To be a lawful use of deadly force, the actions of the officers must be objectively reasonable, given all of the facts and circumstances confronting them at the scene. The determination of such reasonableness is judged from the perspective of a reasonable officer at the scene and in that moment in time and not through the perspective of hindsight. As stated by the United States Supreme Court, "The calculus of reasonableness must embody allowance for the facts that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation." Graham v. Connor, 490 U.S. 386, 396-397 (1989)

The investigation included a review of the following: interviews of witnesses who were in contact with Gonzalez during the time leading up to the shooting and/or were in the area when the shooting occurred; interviews with the Lawrence Police Officers present at the scene at the time of the shooting, evidence found at the scene, Lawrence Police radio transmissions; reports of the Medical Examiner and Massachusetts State Police ballisticsian.

### Background Information

Gonzalez had been in a dating relationship with Santos for 11 years. They shared two biological children: a 10-year-old daughter and a 4-year-old son. Santos' 18-year-old son also resided with them and considered Gonzalez a father figure. In April of 2016, the family was residing at 18 Melrose Street in Lawrence. Santos and the children had recently returned from an extended trip to the Dominican Republic.

### Factual Findings: Yenny Santos obtains a restraining order against Antonio Gonzalez

In late March 2016, Santos and her youngest son departed for a month long trip to the Dominican Republic. Eventually the two older children joined their mother in the Dominican Republic. While they were away, the oldest son texted his stepfather Gonzalez that his mother was going out at night with other males. Gonzalez reacted badly, texting Santos accusing her of infidelity and threatening to kill her. Gonzalez also posted on Facebook and texted Santos pictures of firearms. Family members of Gonzalez demanded he remove those images from social media and he complied. Santos and the three children returned to Lawrence on Sunday, April 24<sup>th</sup>. The next morning Santos had a friend accompany her to Lawrence District Court to obtain a restraining order against Gonzalez.

The restraining order issued that morning ordering Gonzalez to leave the home at 18 Melrose Street and to stay away from and not abuse Santos. The order was emailed from the District Court to the Lawrence Police Department so that it could be served. Due to an issue with the computer system the order was not received by the Lawrence Police until late the next day. Interviews with Santos, as well as members of the Gonzalez family, establish however that Gonzalez was aware of the restraining order and that he, initially at least, vacated the apartment at 18 Melrose Street.

At approximately 10 PM on Monday, April 25<sup>th</sup> Gonzalez arrived at the home of his mother in Lawrence. He was greeted by his younger sister. He was visibly distressed and relayed that Santos had obtained a restraining order against him. He relayed that he felt disrespected that Santos had not alerted him before obtaining the order. His mother made up the couch for her son and they all went to bed. In the early morning hours of April 26<sup>th</sup>, Gonzalez texted his mother asking for the WiFi password. That morning his mother and sister report hearing but not interacting with Gonzalez at the apartment.

### Factual Findings: The stabbing of Yenny Santos

18 Melrose Street is a three-story home containing three apartment units. Santos and Gonzalez resided on the top floor. Their bedroom windows face Melrose Street. That Tuesday morning Santos got up and began to get ready for work. Her two older children left for school. The four year old was home with her. There was a knock on the door and she opened it to find Gonzalez. He stated that he was there to grab some clothes and she allowed him in and shut the door behind him. At that point she realized that Gonzalez was armed with a knife. Gonzalez grabbed Santos by the hair, punched her in the face and dragged her towards the bedroom. Gonzalez directed his son to go to the living room and play. The little boy armed himself with a knife and poked at his father trying to protect Santos. Despite this, Gonzalez stabbed Santos a couple of times before going into the living room to play with his son. For the next couple of hours, Gonzalez alternated between stabbing Santos who was in the bedroom and tending to their son in the living room and kitchen. Badly injured, Santos pretended to be dead hoping it would stop the attacks. She recalls Gonzalez repeatedly kissing her on the lips and stating “we are going to be okay.”

As the morning unfolded, Gonzalez made a series of phone calls to his sisters, mother and a friend. At one point he contacted a friend and fellow musician reporting that he had killed his wife and that the friend needed to come retrieve their son. He made similar phone calls to his family, telling his younger sister that he shot Santos, “with his 9.” The musician friend did not respond to Melrose Street but went directly to the Lawrence Police Department, arriving just before noon. As detectives prepared to interview him, they alerted dispatch to send officers to Melrose Street for a possible homicide/hostage situation. In the meantime Gonzalez’s older sister and cousin traveled to Melrose Street flagging down a police officer, Ariskelda Southworth, to alert her to the situation. Officer Southworth then responded as well.

### Factual Findings: Lawrence Police respond to 18 Melrose Street

As the situation unfolded, the following Lawrence Police officers responded to 18 Melrose Street:

- Captain Denis Pierce, a Lawrence police officer for thirty years and a Captain since 2004.
- Detective Brian Voisine, a Lawrence police officer for seventeen years.
- Detective Angel Mejia, a Lawrence police officer for twenty years.
- Sergeant Maurice Aguilar, a Lawrence police officer for twelve years.
- Officer Sean O’Keefe, a Lawrence police officer for a year and a half.
- Officer Ariskelda Southworth, a Lawrence police officer for fifteen years.
- Officer Scott McCabe, a Lawrence police officer for two years.

Lawrence Detectives Brian Voisine and Angel Mejia, as well as Captain Denis Pierce, were investigating a past burglary nearby when they were alerted to a possible homicide at 16 or

18 Melrose Street. They responded immediately in two vehicles. Uniformed patrol who had been investigating a home invasion nearby also responded including Officers McCabe and O'Keefe. As police personnel pulled up in front of the address, a small SUV also pulled up containing Gonzalez's older sister and cousin. Mejia and Captain Pierce entered the house along with two patrol officers, O'Keefe and Southworth, while Detective Voisine spoke to the two women. He learned that they had received a call from Gonzalez stating he had killed his wife. They further learned that a small child was likely in the home. While Detective Voisine was speaking to the two women, Sergeant Aguilar arrived in a marked cruiser which he parked next to Detective Voisine's vehicle. Detective Voisine joined Sergeant Aguilar to update him on the situation.

All of parties located on Melrose Street as well as additional Lawrence officers just arriving at the scene then report hearing gunshots from the vicinity of the third floor apartment occupied by Antonio Gonzalez. The shots were followed by the sound of glass breaking as a window was broken. Sergeant Aguilar shouted into his radio "shots fired, shots fired" and began to return fire. Detective Voisine drew his weapon but did not fire. Detective Voisine provided cover for Sergeant Aguilar as he attempted to get the two women to safety behind his cruiser. Detective Voisine and Sergeant Aguilar then viewed Gonzalez in the third floor window. Detective Voisine heard him say "fuck you fuck you, I'm Antonio." Detective Voisine yelled up directing him to release the child. The officers who had entered 18 Melrose, now pinned in a second floor apartment, heard yelling and believed they had heard gunshots coming from above them as well as outside.

As Detective Voisine and Sergeant Aguilar worked to get the two women out of the line of fire, they observed Gonzalez reappear in the third floor window and raise his arm in their direction, as well as that of the two women, and observed a firearm pointed at them. Sergeant Aguilar fired again and Gonzalez disappeared from view. The two women observed a gun fall from the window in which Gonzalez had been standing.

The four officers on the second floor were able to safely get out of the back of the building and Lawrence Police set up a perimeter around the house. Multiple law enforcement resources arrived on scene.

Back in the apartment Santos had heard gunshots and ultimately heard Gonzalez fall to the floor. When a period of time went by without his moving, she was able to get to the bedroom door, which Gonzalez had tied shut, open it and grab her son. She took the little boy and slid down the third floor stairs to the second floor where she collapsed. When SWAT officers were first able to enter the building they encountered the little boy, covered in blood, who reported that his parents were both dead. SWAT officers did not see Santos at that time. The boy was rushed to Lawrence General Hospital to be assessed. Once a robot deployed by the State Police confirmed that Gonzalez was down in the third floor apartment, SWAT members fully entered the apartment building and located Santos on the second floor. She was rushed to Lawrence

General Hospital and then med-flighted to Mass General Hospital. She was treated for multiple injuries that included two penetrating stab wounds to her head. At this time she is recovering from her injuries.

#### Factual Findings: Forensic Reports

Ballistics evidence collected from the scene consisted of 15 discharged cartridge casings recovered from the sidewalk and street in front of 18 Melrose Street. Two jacketed lead spent projectiles were recovered from the 3<sup>rd</sup> floor bedroom of Gonzalez and Santos. Two additional damaged jacketed spent projectiles were recovered from Gonzalez's body at autopsy. Ballisticians concluded that the projectiles recovered from the bedroom were fired by Sergeant Aguilar's service weapon. The damaged projectiles recovered at autopsy were consistent with the same but were too damaged to reach any conclusions. A revolver was recovered from the sidewalk below the third floor window of 18 Melrose Street where the women reported seeing it fall from the third floor window. The revolver was damaged and in pieces when recovered and examined. According to the ballistics report, it was "missing the barrel/cylinder locking mechanism, the wedge assembly." There were "three plastic objects in three charge holes, no powder in any of the charge holes and no caps." Ballistics determined that the revolver would not fire as submitted.

The completed autopsy and toxicology reports were received on November 28, 2016. The Office of the Chief Medical Examiner determined the cause of death of Antonio Gonzalez to be a gunshot wound of the head with injuries to skull and brain. They further noted that Gonzalez had superficial parallel abrasions/incisions on each wrist. Gonzalez's toxicology was notable for the presence of a high level of ethanol as well as cocaine metabolite.

#### Conclusion

Judging the actions of Sgt. Aguilar from the perspective of a reasonable officer at the scene and in that moment in time, the shooting of Antonio Gonzalez was legally justified. Sgt. Aguilar as well as multiple other officers and at least two civilians, believed they had been fired upon by Gonzalez. Sgt. Aguilar knew that Gonzalez had his young son in his custody, whose mother he had just gravely injured or killed. At the moment that he shot and killed Gonzalez, Sgt Aguilar personally observed Gonzalez pointing a firearm at him, Det. Voisine and the two women. Based upon all of the evidence in this case, Sgt. Aguilar acted reasonably in using lethal force against Antonio Gonzalez.