



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE
DISTRICT ATTORNEY FOR THE ESSEX DISTRICT
SALEM NEWBURYPORT LAWRENCE

JONATHAN W. BLODGETT
District Attorney

Ten Federal Street
Salem, Massachusetts 01970

TELEPHONE
VOICE (978)745-6610
FAX (978)741-4971
TTY (978)741-3163

March 15, 2012

Chief Mark Ray
Beverly Police Department
191 Cabot Street
Beverly, Massachusetts 01915

Chief Russell Stevens
Hamilton Police Department
265 Bay Road
Hamilton, Massachusetts 01982

RE: Investigation into February 24, 2012 officer-involved shooting and suicide at the Starbucks at 25 Enon Street, Beverly

Dear Chiefs Ray and Stevens:

The Essex County District Attorney's Office has concluded its investigation into the February 24, 2012 non-fatal shooting of off-duty Beverly Police Officer Jason Lantych ("Lantych") by off-duty Hamilton Police Sergeant Kenneth Nagy ("Nagy"), and Nagy's subsequent suicide.

As you know, this Office has, by statute, the duty and authority to direct and control all death investigations in Essex County. Pursuant to the same statute, I designated the Massachusetts State Police, assigned to this Office, to conduct a thorough investigation into the facts and circumstances surrounding the shooting and suicide. Consistent with our mandate, the primary goal of the investigation was to determine whether the circumstances disclose prosecutable criminal activity on the part of some person or entity. Following that comprehensive review, I have concluded that the circumstances do not disclose any prosecutable crimes.

The events of February 24 were shocking and deeply unsettling. An off-duty police officer using his service weapon twice shot another police officer outside a crowded Starbucks, and later returned to the scene and took his own life. Nagy was a 19-year police veteran with a wife and two young children. Lantych, a 10-year police veteran, was seriously wounded but, due largely to the heroic efforts of quick-thinking bystanders, is now recovering.

In order to ensure the utmost objectivity, I assigned the investigation to senior State Police Detectives, who did not know or previously work with Nagy or Lantych. In turn, as in all cases, this Office has taken great care in thoroughly reviewing the reports and the materials gathered by these investigators, which include some 21 citizen-witness interviews, security

videotape footage, audio recordings, ballistics evidence, computer forensic analysis, and phone records.

A summary of the facts disclosed in the investigation follows:

Background

Nagy lived in Rowley with his wife Katherine Nagy ("Katherine") and their two young children. Katherine works as an advocate for domestic violence victims for the nonprofit agency, HAWC, under a grant to the Beverly Police Department. Lantych, who lives in Hamilton, had received specialized training in domestic violence cases, and worked with Katherine at the Beverly Police Department.

On Thursday, February 23, 2012 at about 7:00 in the morning, Nagy arrived at home in Rowley from his midnight shift at the Hamilton Police Department. At 10:00 that morning, he attended a doctor's appointment; he was prescribed medication, Zoloft.¹ Two hours later, Nagy met Katherine at the Beverly Police satellite office where she works and they discussed his medical appointment.

At 6:00 that evening, Nagy and Katherine attended the funeral wake/service for retired Hamilton Police Sergeant Paul Grant. Nagy was posted in uniform at the entrance to the funeral home. Nagy left the service early. At about 7:30 P.M., he went to the Sprint store at 11 Enon Street in Beverly complaining of problems with his cell phone. He had small talk with another Sprint employee whom he knew; Nagy shook hands with this person before leaving the store. Nagy went home at some point afterward; he was scheduled to work the midnight shift at the Hamilton Police Department. He went to bed.

At midnight, Nagy left the house in Rowley. He did not go to work, but instead called in sick and drove around for some period of time. About an hour later (on Friday, February 24, 2012, the day of the shooting), he returned home and woke Katherine. They discussed issues relating to their marriage, including his belief that she was having an improper relationship with Lantych. Included in the discussion was the possibility of a divorce. They planned that, later that morning, she would go to her parents' house in Hamilton; he would drop off their two children there at 1:00 P.M. An hour later (about 2:00 A.M.), Nagy left the Rowley house and called a friend. During this conversation, Nagy was composed and was discussing his future plans.

At about 6:15 A.M., Katherine left Rowley for her parents' house in Hamilton. Five minutes later, Nagy texted Lantych, stating, "Hey Jay . . . thanks a lot, buddy." He called Lantych an expletive and said, "See you soon my friend." At 6:45 A.M., Katherine, en route to her parents' house, called Lantych and told him about her conversation with Nagy. As they were speaking, Nagy called Lantych; they spoke and Nagy confronted him about the relationship. Lantych said, "it's not what you think, Ken" and offered to speak with him in person. The conversation ended.

At 1:00 P.M., Nagy arrived with the children at Katherine's parents' home. He spoke with Katherine; he was distraught. He told her he was going to move things around in the attic that day at the house in Rowley, and they planned that she would return to the house that night at

¹ Police confirmed that he filled this prescription prior to the shooting. Toxicology results concerning the presence or levels of this drug in Nagy's blood at the time of his death have not yet been returned.

8:00. An hour later, Nagy left Katherine's parents' home in Hamilton in their black SAAB SUV, alone. At 2:30 P.M., Nagy returned to the Sprint store and again spoke with a clerk there about his cell phone. The other clerk whom he knew gestured a greeting, but Nagy looked at him and walked out of the store as if he did not know him.

At 5:00 P.M., Lantych met his mother following his shift; they went to Dunkin Donuts and then to a friend's house. Nagy called Lantych and stated that he would like to meet him in Hamilton before Katherine returned to the Rowley house at 8:00 P.M. Lantych suggested they meet at the Starbucks in Beverly; he joked that this was so Nagy would not shoot him. Nagy reportedly laughed and agreed to meet him there. Lantych was driven there by his mother. She parked in the rear of the Starbucks at 25 Enon Street.

The shooting

The following events unfolded at the Starbucks (See attached still photos from Starbucks security cameras 2 and 3):

5:36 P.M. Lantych entered the Starbucks from the back door alone, purchased a coffee, and waited for Nagy near the front of the Starbucks, which faces Enon Street. Nagy arrived in the black SAAB SUV and entered the front door.

5:36-5:38 P.M. Nagy and Lantych began speaking near the front door; Nagy periodically checked his cell phone. Lantych relates that Nagy, though upset, was calm during the conversation.

5:39-5:45 P.M. Lantych retrieved his coffee, and both walked out the front door of the Starbucks and turned to the right; they spoke for a few seconds before the conversation ended and Nagy walked to his vehicle.

Lantych walked back toward the front door of the Starbucks and began to call his mother to pick him up. Nagy backed out his vehicle and stopped. Lantych approached the vehicle. Nagy fired two shots at Lantych through the vehicle's open window, striking him in the wrist and thigh. Lantych had not seen the weapon, and could not recall what Nagy said before shooting him. Lantych stumbled toward the front door of the Starbucks, bleeding heavily.

Dispatch received six separate 911 calls concerning the shots. A witness parked at a nearby Bertucci's saw Nagy's SUV leave the parking lot, turn right on Enon Street, and travel north.

5:46 P.M. Starbucks patrons reacted immediately to the shots. Though the location of the shooter was unknown, some ran outside and begin rendering aid to Lantych. One of these, Matthew L. Miller of Beverly, put his arm around Lantych and helped him toward the door, where Lantych collapsed and briefly lost consciousness. Deborah Crosbie, a registered nurse from Hamilton, and Miller applied pressure to Lantych's femoral artery. John Sholomith, a pre-med student from Boxford, also ran outside and assisted in applying pressure to and elevating Lantych's leg. Casey Paul Bennett of Salem gave his belt to Crosbie to use as a tourniquet. Bennett and Emily Preston, a Starbucks employee, located and applied pressure to the second bullet wound on Lantych's wrist. Bennett and others asked Lantych who had done this to him. He did not immediately respond, but when asked again answered that Nagy had done it. A bystander said he recognized Nagy's name as that of a Hamilton Police Officer; Lantych nodded. Bennett asked him what Nagy had against him and Lantych replied, "He has a few things" or "a

couple of things.” As the bystanders rendered aid, Lantych’s mother arrived and began screaming; bystanders reassured her that Lantych was alive.

Meanwhile, within minutes of the dispatch, numerous Beverly Police units responded to a chaotic scene. Numerous pools of blood were visible between the front steps of the adjoining Eastern Bank ATM and the front door of the Starbucks, and a group of people surrounded Lantych. Officers secured the Starbucks, the adjoining Eastern Bank, and the Eastern Bank and Stop & Shop parking lots to ensure the shooter was not still present, while other officers assisted in rendering aid to Lantych. EMTs arrived and Lantych was transported to Beverly Hospital. State Police personnel arrived. A security perimeter was established around the crime scene, witnesses were held to be interviewed, and police began to process the crime scene. A spent projectile was recovered from the area in front of the Starbucks by a bystander and turned over to police.

The suicide

A BOLO was issued for Nagy, with caution that he was wanted for armed assault with intent to murder and should be considered armed and dangerous. After repeated attempts to reach and ascertain the well-being of Katherine and her children (Katherine’s phone had been off), police reached her at her parents’ home. Officers were posted there to ensure their safety.

At about 6:50 P.M., State Police and Rowley Police forcefully entered the Nagy home in Rowley to conduct a welfare check. They found no one home. A suicide note from Nagy was found with a large amount of cash next to it. The note gave no indication of Nagy’s current whereabouts. In relevant part, it disclosed that he intended to shoot Lantych if he was able to meet with him that evening, and then kill himself. It also included detailed information on the family’s finances, insurance policies, and instructions for his funeral arrangements.² The house was secured pending the issuance of a search warrant. State Police interviewed Katherine at her parents’ home in Hamilton. She was unaware of Nagy’s plans to shoot Lantych, had not heard from him that afternoon, and did not know his whereabouts. She related the substance of the conversations she had with him in the early morning and afternoon of February 24, and consented to the search of her home in Rowley.

At 10:30 P.M., an officer in a parked cruiser marking the outer perimeter of the crime scene at 25 Enon Street saw Nagy in the SUV traveling South on Enon Street. Nagy turned into the Starbucks parking lot and drove slowly past the cruiser, without looking to his left at the crime scene. He drove into the lower parking lot behind Starbucks and parked. There were no other people in the lot. The plate was confirmed as Nagy’s, and police took up positions near the rear of the SUV, which was not running and had no lights on. It was soon discovered that Nagy, who was sitting in the operator’s seat with a handgun in his lap, had taken his life. A copy of the suicide note and a journal³ were beside him. An autopsy determined the cause of death was a single gunshot wound to the head and the manner of death a suicide.

The following day, State Police searched the Nagy home in Rowley. A desktop computer screen had an image of the first page of the suicide note. That computer, a laptop computer, the

² Consistent with the long-standing practice of this Office, out of respect for the privacy interests of surviving family members, the note will not be publicly released. See G.L. c. 4, § 7 cl. 26(c).

³ Pursuant to the above mentioned statute (G.L. c. 4, § 7 cl. 26(c)), the journal will also not be publicly released.

note, and the cash found with it (\$3900) were seized. A forensic examination of the desktop computer disclosed that the suicide note was created at approximately 5:00 P.M. on February 24, less than an hour before the shooting.

The SUV was impounded and searched. Three expended shell casings were recovered from the SUV interior. The Massachusetts State Police Firearm Identification Section determined that the weapon used by Nagy to commit suicide was his department-issued .40 caliber Glock. The three expended shell casings found in the SUV were all fired from that weapon.⁴

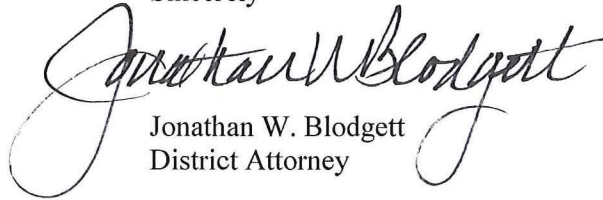
Conclusion

Based upon his perception of a relationship between Lantych and his wife, Nagy twice shot Lantych at the Starbucks. He fled, returned to the scene, and killed himself.

As noted, the mandate of the District Attorney in such cases is to determine whether a prosecutable crime has been committed. I have determined there is no such crime, apart from the shooting committed by the deceased Nagy. Therefore, this investigation is concluded.

Lastly, it is appropriate to recognize the actions of the aforementioned citizen bystanders who rendered life-saving first aid to Lantych until medical personnel arrived at the scene.

Sincerely

A handwritten signature in black ink, reading "Jonathan W. Blodgett". The signature is fluid and cursive, with the first name "Jonathan" being the most prominent part.

Jonathan W. Blodgett
District Attorney

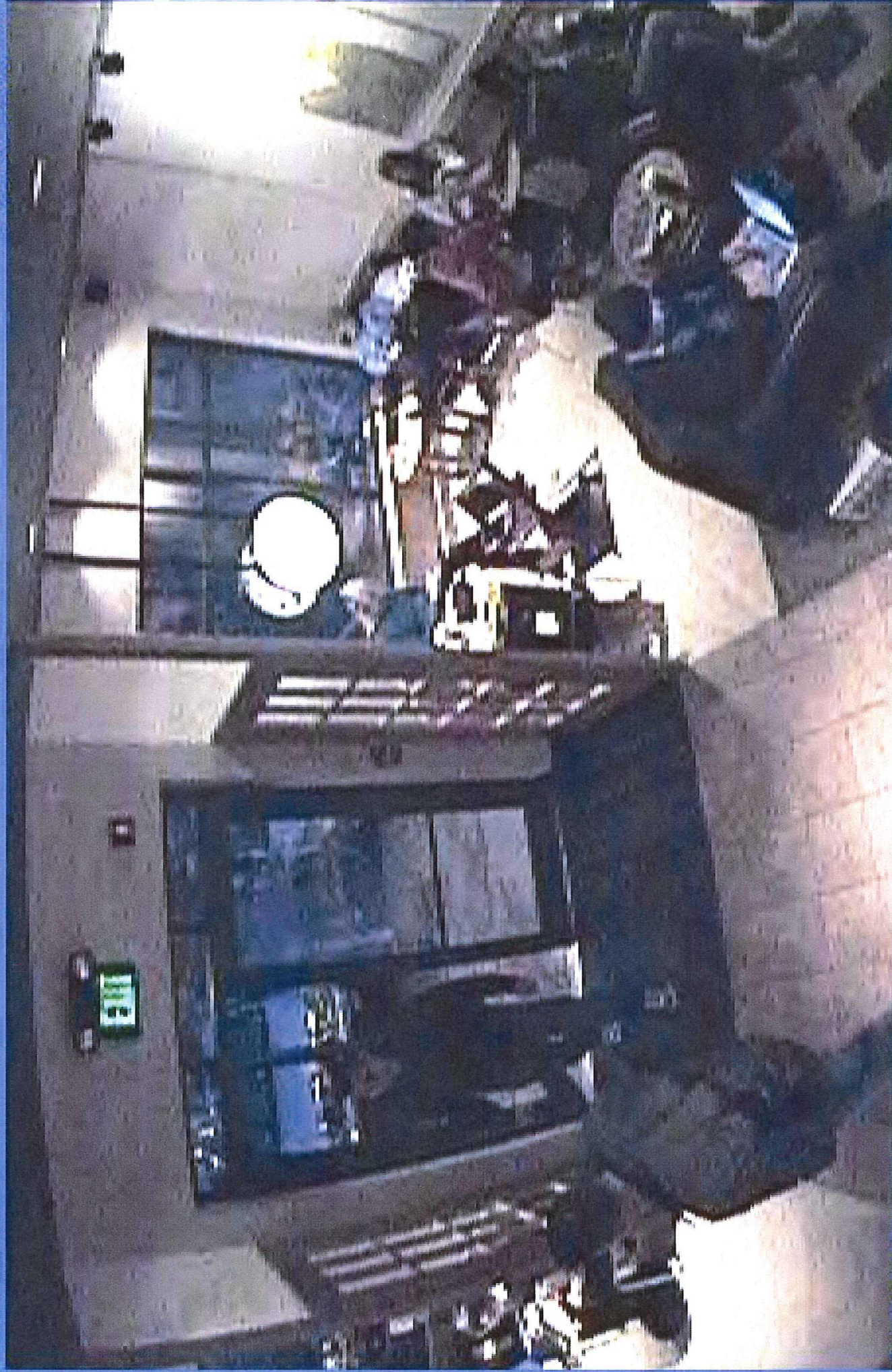
⁴ The spent projectile found outside the Starbucks was too damaged to identify positively as coming from the weapon.

2/24/2012 5:36:05 PM



3 POS 17450

2/24/2012 5:36:47 PM



2 Div Dr 7450

2/24/2012 5:36:55 PM



2 Div Dr 7450

2/24/2012 5:37:03 PM



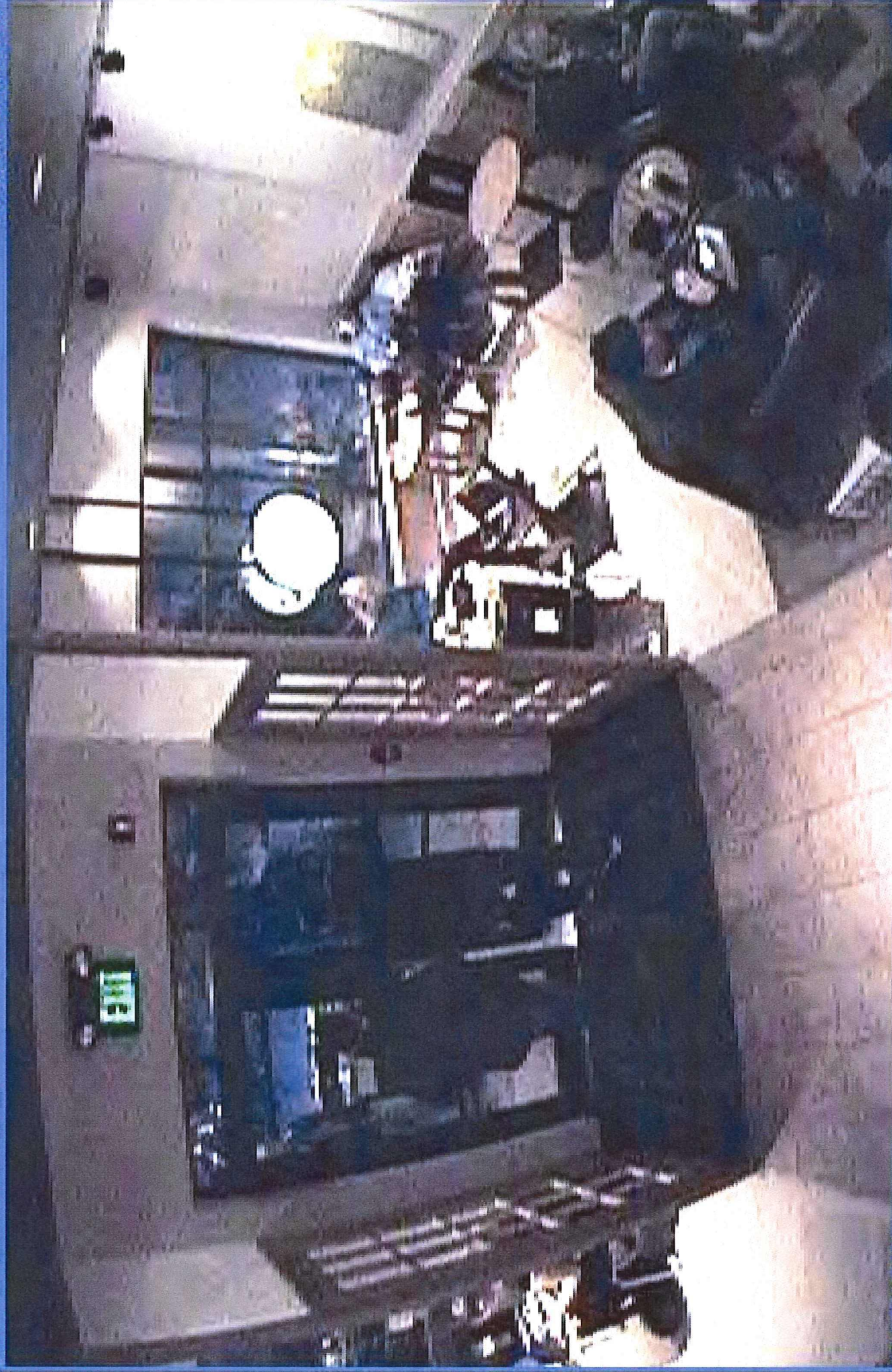
2 Dlw Dr 7450

2/24/2012 5:38:39 PM



2 Dlv Dr 7450

2/24/2012 5:38:50 PM



2 Dlv Dr 7450

2/24/2012 5:46:26 PM



2 DW Dr 7450

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2/24/2012 5:46:29 PM



2 Dlv Dr 7450

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