

CERTIFIED HEARING TRANSCRIPT
(DAY 1 VIEW)

COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON JUDICIAL CONDUCT

Complaint No. 2019-22

- - - - - x

VOLUME I

HEARING

BEFORE

HEARING OFFICER

DENIS J. McINERNEY, ESQ

- - - - - x

June 9, 2025

ZOOM0001.mp3

1 P R O C E E D I N G S

2 MR. NEFF: Howard Neff and it's 7:30
3 a.m.

4 THE COURT: Okay. Everybody can be
5 seated. Thank you. Good morning, everyone.
6 This is a hearing conducted in connection with
7 the Commission on Judicial Conduct's Complaint
8 2019-22 concerning Judge Shelley Richmond Joseph.

9 My name is Dennis McInerney and I have
10 been appointed as the hearing officer in this
11 matter. I would ask that the attorneys who are
12 representing the parties in this case to please
13 identify themselves and the parties that they're
14 representing for the record.

15 MS. FABRICANT: Good morning. I am
16 Judith Fabricant, Special Counsel for the
17 Commission on Judicial Conduct.

18 MR. NEFF: And good morning. Howard
19 Neff for the Commission on Judicial Conduct.

20 MR. HOOPES: Good morning, Your Honor.
21 Tom Hoopes for Judge Shelley Joseph.

22 MS. MULVEY: Good morning. Elizabeth
23 Mulvey for Judge Joseph.

24 MR. KEATING: Good morning, Your Honor.
25 Michael Keating for Judge Joseph.

1 THE COURT: Thank You. I would like to
2 note at the outset that as the parties are aware,
3 on June 3rd I issued an order regarding media
4 protocol and coverage. If there's anyone here
5 from the media who has not received a copy of
6 that order, it is also available on the CJC's
7 website on the page that has the May 13th press
8 release about this matter.

9 The hearing will begin with a view that
10 will be conducted here at the Newton District
11 Courthouse. After the view is completed, parties
12 will go through with me to the Suffolk County
13 Courthouse at 3 Pemberton Square in Boston,
14 Courtroom 1309, to continue the hearing.

15 With that, unless there are any other
16 matters the parties would like to raise at this
17 time, I will turn it over to the special counsel
18 first and then Judge Joseph's counsel to get a
19 brief opening statements regarding the view.
20 When the hearing resumes at the Suffolk County
21 Courthouse, the parties will have the opportunity
22 to have their full opening statements and to
23 present their evidence.

24 Special Counsel Fabricant, I will turn
25 it over to you now.

1 MS. FABRICANT: Thank you, Mr.
2 McInerney. Is that working properly?

3 THE COURT: Yes.

4 MS. FABRICANT: All right. Good
5 morning.

6 The event that gives rise to this case
7 was an arraignment proceeding in this courtroom
8 while an ICE officer waited in the main lobby
9 that we just came through.

10 After the judge ordered the defendant
11 released from state custody, the court officer
12 escorted the defendant, his lawyer, and the
13 interpreter downstairs through that door into the
14 dock and downstairs through the second secured
15 door down the stairway to the lockup area and
16 released the defendant out the sallyport door to
17 the rear of the building, enabling him to avoid
18 the Immigration and Customs Enforcement officer
19 who was waiting out in the main lobby.

20 The essential question that you will be
21 called upon to decide is what role the judge had
22 in that result.

23 We're going to tour the entire building
24 so as to put each location in context. And as we
25 do, I will ask you to note certain locations,

1 dimensions, and orientations in relation to each
2 other. And I'm sure counsel will have other
3 things they'll want to bring to your attention.

4 After we take note of various aspects
5 of this courtroom, we will go into the dock and
6 follow the path that the defendant and those with
7 him took. Through the secure door, through the
8 second secure door, down a flight of stairs into
9 the lockup. And from there we will see the
10 secure door that leads out to the sallyport in
11 the back of the building.

12 We will look out to see the fenced area
13 outside the door and the parking lot beyond that.
14 And we will hear evidence regarding how the
15 sallyport is used to transfer persons in custody
16 into and out of the courthouse.

17 We will continue through the secure
18 hallway on the lower level, noting two other
19 secure doors that judges and staff use to access
20 the parking lot.

21 We will reach a secure door that opens
22 to a public area where we will see the probation
23 counter. From there, we will proceed up the
24 public stairway, noting the door from the
25 stairway to the main lobby. We will continue up

1 the public stairway to the second floor where we
2 will see the second session courtroom with an
3 adjacent judge's lobby, a jury pool room, and a
4 jury deliberation room. And you will hear
5 evidence that the second session courtroom is
6 used for the jury session one day a week and for
7 certain other proceedings more sporadically, and
8 that when the first justice is presiding in the
9 first session in this courtroom and another judge
10 is also present, the visiting judge sits in the
11 second session.

12 Once we have toured the second floor,
13 we will go back down the public stairway to the
14 main lobby to view the main lobby, the equipment
15 and furnishings there, and the various locations
16 off of it.

17 We will then go back out the front door
18 and down the front steps. And from there we will
19 walk around the building going what I think is to
20 the right, although I may be disoriented, so as
21 to see the lower-level areas, the doors, and the
22 parking lot from the outside as well as the
23 police station next door and the surrounding
24 streets.

25 As we do that, we will see something

1 that was not there at the relevant time, which is
2 a new fence with gates that one has to go through
3 to get to the parking lot from each side so that
4 there is now a fence perimeter around the parking
5 lot that was not there at the relevant time.

6 And at this point I am ready to direct
7 your attention to various things in this
8 courtroom unless counsel wants to first make some
9 remarks.

10 MR. HOOPES: Why don't we do that
11 order. Thank you.

12 Good morning, Mr. Hearing Officer.
13 Some seven years ago, on April 2nd, 2018 in this
14 courtroom and in this courthouse, David Jellinek
15 Attorney Jellinek, devised a scheme with a court
16 officer, Wesley MacGregor, to have his client
17 escape ICE custody. That happened roughly by
18 agreement in this courthouse and in this
19 courtroom about noon. The escape occurred
20 roughly at 3:00 in the afternoon.

21 Some eight months later, David Jellinek
22 spoke with federal authorities for the first time
23 and claimed for the first time that Judge Joseph
24 aided and assisted in his effort.

25 Determining his credibility will be the

1 core of this hearing and the core of underpinning
2 this and the foundation may be your observations
3 of this courthouse as to whether he's got a
4 scintilla of credibility.

5 I am going to ask you to focus on four
6 areas if you would. This courtroom, the various
7 factors that both of us will point out, going
8 down to the dock and out to the sallyport. Third
9 is going to be coming up the steps as an
10 alternative way to access the downstairs section.
11 And the fourth will be the perimeter to see both
12 the parking area in the back and the exit in the
13 front. Those four areas will encompass
14 everything I hope that you need to know. Thank
15 you.

16 MS. FABRICANT: So I am going to ask
17 you while we are here in this courtroom to take
18 note of the size and shape of the courtroom, the
19 proximity of each location to other locations,
20 particularly the judge's bench, the size of the
21 bench, the side of the bench where the sidebar
22 conversation would occur, these stairs where
23 short lawyers might stand for a sidebar
24 conversation, the probation desk where a
25 probation officer might sit, a court officer's

1 desk where a court officer might sit, the clerk's
2 desk where a clerk might sit and might turn
3 around to speak to the judge if there's a need
4 for that to happen. Recording equipment that you
5 will hear evidence is not the same recording
6 equipment that was on the clerk's bench at the
7 time of the event. The audience section of the
8 courtroom, the size of it, the location of it,
9 the seats that are inside it. The counsel
10 tables, their proximity to each other, to the
11 pathway to get to the sidebar, to the judge's
12 bench. And again, a court officer's desk.

13 The dock. The location where a person
14 would speak to someone in the dock if necessary
15 to hand papers to a person in the dock, and the
16 door to and from the dock, the locked, secure
17 door to and from the dock that would be opened or
18 closed by a person with a secure device to open
19 and close it to let a person in or out of the
20 dock area.

21 And I will add two secure doors going
22 to a secure hallway to the judge's lobby, to
23 other secure areas. The one public entry and
24 exit to the courtroom, its proximity to the
25 audience areas, to the -- within the bar areas to

1 the dock, the exit from the dock that leads this
2 direction. And that's what I want to point out
3 in this courtroom. Counsel?

4 MR. HOOPES: Thank you. Good morning,
5 Your Honor. I have four areas that I would like
6 you to pay attention to if you don't mind. The
7 first is what I would call the judge's zone,
8 which is where you are now, which would encompass
9 where you are, this bench, where your clerk is
10 right now, the proximity of I to you, the
11 proximity of the clerk to you, the proximity of
12 probation to you and the judge's zone. When I
13 say proximity, I mean actual distance if you can
14 even measure in your own mind from me to you and
15 from this person to this person, this person to
16 the clerk, and this person here.

17 The second area is what I would call
18 audience zone one, which would be this area back
19 here. The ease of you as a judge to see
20 everybody who is sitting in this particular area,
21 the ease of anybody else in the courtroom to turn
22 around and see everybody who is seated in this
23 area.

24 Audience area number two would be --
25 facing you would be to my left would be this

1 area. The ease of view as the judge, ease of the
2 clerk, the ease of anybody in the courtroom to
3 see who might be seated in this courtroom and
4 actually count the number of benches. One, two,
5 three, four, before you get over there.

6 The fourth and last area is simply
7 where my fellow counsel is standing, which is
8 right here, where an interpreter might speak or
9 where an interpreter might speak, but the actual
10 distance from this person not just to you but
11 over to the left side of the judge's zone.
12 That's all I would have. Thank you.

13 MS. FABRICANT: All right. I would
14 suggest if we're ready that we go into the dock,
15 observe the dock, go through the next secure door
16 (indiscernible).

17
18
19
20
21
22
23
24
25

1 P R O C E E D I N G S

2 MS. FABRICANT: These do not come into
3 the secure area.

4 COURT OFFICER: Correct.

5 UNIDENTIFIED SPEAKER: I would like to
6 be as close as I can. Excuse me. Thank you.
7 Excuse me, John. I'm not press. I'm with Mr.
8 Neff.

9 COURT OFFICER: Okay, thank you. I
10 just want clarification.

11 UNIDENTIFIED SPEAKER: Appreciate it.
12 I can hold that. Make it easier for you.

13 MR. NEFF: Oh, okay.

14 UNIDENTIFIED SPEAKER: I will switch
15 back then.

16 MR. NEFF: Okay.

17 UNIDENTIFIED SPEAKER: It's just easier
18 to have a backup with that.

19 MR. NEFF: Oh, all right. Actually,
20 I'm sorry, I should have explained that. It's --
21 they just don't want -- basically anyone down
22 here because it's a secure --

23 UNIDENTIFIED SPEAKER: You can
24 (indiscernible). We'll (indiscernible). And I
25 have a pocket mount if it's easier for you.

1 MR. NEFF: No, (indiscernible).

2 UNIDENTIFIED SPEAKER: Okay.

3 MR. NEFF: This won't -- this shouldn't
4 be so long.

5 UNIDENTIFIED SPEAKER: And I will give
6 you that. I know you have Eric's, but I'll give
7 that to you.

8 MR. NEFF: Okay, great. Thank you.

9 UNIDENTIFIED SPEAKER: (indiscernible).

10 MR. NEFF: (indiscernible), Howard
11 Neff.

12 MR. HOOPES: I would ask that we slow
13 walk from the doorway where we came in and let
14 you look left and right. In other words, it's a
15 lot to take in. If we -- this is the door. You
16 just got a demonstration of the badge, buzzer,
17 opening the door to go up. And then after you --
18 we're going to -- right to your -- to your right
19 is a holding cell. And then if you go straight
20 ahead and then you went to your left, there's
21 another holding cell. And then if you follow
22 straight ahead to the left, you'll see a storage
23 area. This to the left is the court officer
24 area. And then straight to the back before you
25 look out the sallyport area, you can see there's

1 still a third holding cell. So they have
2 capacity for three.

3 So why don't I stop there before we go
4 anything with the sallyport area.

5 MS. FABRICANT: Okay. And it may be
6 worth just noting what's right behind you there,
7 which I think -- and we may have testimony
8 indicates this is a place for law enforcement
9 officers to check their firearms.

10 MR. MCINERNEY: Okay. Go ahead.

11 MS. FABRICANT: So what I would like to
12 do is just look out this door, just have the door
13 open so that we can look out it. We'll look at
14 it from the outside later on. So I'm not
15 suggesting we go out right now, but just --

16 MR. HOOPES: If you don't mind, if we
17 could just stick our head out -- yeah, yeah.

18 MS. FABRICANT: If there's enough of us
19 that maybe we need to actually step out.

20 MR. HOOPES: Yeah. (indiscernible).
21 After we step out.

22 And then when we are here, I would ask
23 that you note the gate to get into the sallyport,
24 the distance from the wall to the outer edge of
25 the sallyport on the other side, and the length

1 of the sallyport as to what it would look like
2 and feel like if a van was actually parked in
3 here or where two vans or a van and a car could
4 ever fit in.

5 MS. FABRICANT: What you heard earlier
6 about new fencing, I believe the evidence will be
7 that this is not the new fencing, that this
8 fencing was here at the time of the event in
9 issue. We will hear evidence about the position
10 that this gate is usually in. I expect the
11 evidence we will hear is that it is usually not
12 locked, that it is usually not locked because --

13 MR. MCINERNEY: This is not.

14 MS. FABRICANT: This gate. Because of
15 the size of the vans that tend to come in here,
16 that it is usually not kept locked.

17 We will see later on the new fencing.
18 But I am told that this is not it.

19 MS. FABRICANT: (indiscernible) here
20 for just a moment and let's just notice -- let's
21 just notice from here the stairway that we will
22 take later on. So we'll just notice that this is
23 the stairway that goes off of this public hallway
24 and goes up. Public stairway.

25 And this door if I am not mistaken is a

1 secure door.

2 COURT OFFICER: Correct, from the
3 outside, yes.

4 MS. FABRICANT: So that this door
5 requires a key card --

6 COURT OFFICER: To get in.

7 MS. FABRICANT: To get in.

8 COURT OFFICER: Requires a keycard.

9 MS. FABRICANT: Okay. And we will see
10 somewhere along the way another secure door that
11 requires a keycard that is not open to the
12 public.

13 COURT OFFICER: This way.

14 MS. FABRICANT: Okay.

15 MR. HOOPES: So I would ask you to come
16 over just where that gentleman where the tie is
17 is the entrance back into the lockup area that we
18 just came out of. Without a roadmap or a
19 schematic, it's a little hard. But you can see
20 them come out and then you can come up this way.
21 Or with card you can come back down.

22 MR. MCINERNEY: With card meaning
23 through back door.

24 MR. HOOPES: Yeah. And through this
25 door.

1 MR. MCINERNEY: And this door too, you
2 need a card to get in?

3 MS. FABRICANT: Authorized personnel.

4 MR. MCINERNEY: Okay.

5 MS. FABRICANT: Okay.

6 MR. MCINERNEY: Back this way?

7 MS. FABRICANT: Oh, before we go
8 further, this elevator, I believe our evidence
9 will be that this is a secure elevator that can
10 be used to take a person in custody up to the
11 second floor. So this also requires a keycard.

12 MR. MCINERNEY: A manual key --

13 MR. HOOPES: A key, a manual key.

14 MS. FABRICANT: Yes.

15 MR. MCINERNEY: Got it.

16 MR. HOOPES: So we are walking away
17 from the lockup area and taking a right. So you
18 can get into this hallway from the lockup area.
19 It's another way to get into the lockup area.

20 MR. MCINERNEY: Right. Right. And so
21 this is where --

22 MR. HOOPES: This is probation.

23 MS. FABRICANT: So is the chief court
24 officer's office -- so this is the non-public
25 area of probation if I understand correctly.

1 These are -- probation personnel work here, but
2 this is a non-public area. We are now going out
3 to a public area.

4 MR. MCINERNEY: You come out through
5 the lockup (indiscernible) probation and out or
6 through the other area (indiscernible).

7 MR. HOOPES: Yes. Or around the back.
8 So if you hear testimony about walking through
9 probation from the lockup, it's (indiscernible).

10 MS. FABRICANT: So chief court
11 officer's office in the public area. So this
12 area is now open and accessible to the public.

13 MR. HOOPES: Assistant District
14 Attorney's Office right next to the
15 (indiscernible).

16 MS. FABRICANT: And then we are now --
17 now coming to the probation -- public probation
18 counter. And that's this. Public probation
19 (indiscernible).

20 And then public stairway. That
21 elevator right there, is that the same secure
22 elevator?

23 COURT OFFICER: No.

24 MS. FABRICANT: That's a different
25 secure elevator.

1 COURT OFFICER: Public elevator.

2 MS. FABRICANT: That's a public
3 elevator.

4 COURT OFFICER: Yes, ma'am.

5 MS. FABRICANT: Okay. All right.
6 Okay.

7 So this is a secure door.

8 COURT OFFICER: Yes. You need card
9 access. Right behind the cell block.

10 MR. MCINERNEY: Where does that go?

11 COURT OFFICER: Do you want to key it
12 open, sir?

13 MR. MCINERNEY: It's okay. Just
14 generally does this go outside?

15 COURT OFFICER: Yes.

16 MR. MCINERNEY: Okay.

17 COURT OFFICER: It's right behind the
18 sally door.

19 MR. MCINERNEY: Got it. Got it. Thank
20 you.

21 MS. FABRICANT: So from the outside
22 we'll be able to see the --

23 COURT OFFICER: Yes, yes.

24 MR. HOOPES: (indiscernible). So you
25 can see this takes us back to the first

1 (indiscernible) area again and the lobby. You
2 can walk from the lobby down the public staircase
3 to the chief court officer's office to the
4 district attorney's office on the right, or take
5 a left and cut through probation again to get
6 into the lockup.

7 MR. MCINERNEY: You could also go into
8 the courthouse lobby through the other stairwell,
9 correct?

10 MR. HOOPES: Yeah. Yeah. That's not
11 public.

12 MR. MCINERNEY: Okay. Oh, I'm sorry.

13 MS. FABRICANT: A couple of things we
14 should say. I think the evidence will be that
15 that district attorney's office down there is not
16 the district attorney's office, it's really a
17 victim's advocate office. It's available for the
18 broad district attorney's office --

19 MR. HOOPES: Yes. ADA and the victim's
20 advocate both use it.

21 MR. MCINERNEY: Understood.

22 MS. FABRICANT: there's another office
23 for the assistant district attorney over at the
24 police station, and you'll hear that.

25 My suggestion is that we not go out

1 there not but we go upstairs so that we see the
2 second floor and then (indiscernible).

3 MR. MCINERNEY: Sure.

4 MS. FABRICANT: So this we saw an
5 elevator downstairs where a person in custody
6 might be brought upstairs. That's the elevator.
7 And we have here somewhere a jury pool room and a
8 jury deliberation room.

9 COURT OFFICER: Correct.

10 MS. FABRICANT: The evidence will be
11 that nothing relevant to this case happened here
12 but that this is where a visiting judge usually
13 sits if the first justice is present sitting
14 downstairs. So that's really why we're seeing
15 it.

16 MR. MCINERNEY: Understood.

17 MS. FABRICANT: I would ask you to note
18 that there's no dock in this courtroom. So that
19 a person who is released from custody from this
20 courtroom, a person who is in custody in this
21 courtroom is not in the dock, a person who is
22 released from custody in this courtroom is not in
23 a dock.

24 MR. MCINERNEY: Understood.

25 MS. FABRICANT: Okay.

1 MR. MCINERNEY: And during an
2 arraignment, does the person in the courtroom
3 downstairs stay in the dock or do they come
4 outside of the dock during the arraignment?

5 MR. HOOPES: If you're in the dock, you
6 would stay in the dock if you're being arraigned.

7 MS. FABRICANT: I think that's what the
8 evidence will be.

9 MR. MCINERNEY: Understood.

10 MR. HOOPES: Always. Until bail is
11 set.

12 MR. MCINERNEY: Yeah.

13 MS. FABRICANT: All right. So now I
14 think we go downstairs, out into the main lobby,
15 look at the main lobby, notice the furnishings,
16 the equipment. And then we go outside and walk
17 around the building.

18 [OVERLAPPING SPEAKERS]

19 MR. HOOPES: Do you think it would be
20 useful to show the (indiscernible).

21 [OVERLAPPING SPEAKERS]

22 COURT OFFICER: Now or after?

23 MR. HOOPES: I think after. While
24 we're in...

25 UNIDENTIFIED SPEAKER: Thank you.

1 COURT OFFICER: Not a problem.

2 UNIDENTIFIED SPEAKER: I was prepared
3 to say it wasn't that anticlimactic after all the
4 planning, but it turns out no.

5 MS. FABRICANT: (indiscernible).

6 MR. HOOPES: (indiscernible) which
7 would mean we would have to go back
8 (indiscernible).

9 MS. FABRICANT: So the way to get there
10 would be to go back (indiscernible).

11 UNIDENTIFIED SPEAKER: We'll be right
12 back. We're not reconvening. We're going in and
13 coming right back out. Okay? If that helps you
14 all.

15 UNIDENTIFIED SPEAKER: Chief, when will
16 you go outside?

17 UNIDENTIFIED SPEAKER: In ten minutes.

18 MS. FABRICANT: Worth noting just that
19 the judge's lobbies, at least the older ones,
20 have (indiscernible).

21 MS. FABRICANT: So now we're going back
22 out to the main lobby and we'll just notice some
23 things there.

24 UNIDENTIFIED SPEAKER: (indiscernible)
25 we're leaving the (indiscernible).

1 MS. FABRICANT: I'll ask you to take
2 note first of all of the size, the dimensions,
3 how far from the courtroom door to the main
4 entrance and exit, the security equipment that is
5 between the entrance and exit and pretty much
6 everything else. The entrance to the clerk's
7 office to our right as one comes in the door, the
8 entrance to the first session courtroom directly
9 in front as one comes in the door. A bench to
10 wait. The public stairway that we went up and
11 down over to our left, restroom, and a conference
12 room over there which perhaps is worth just a
13 glance in just to see the size of it.

14 MR. MCINERNEY: Sure.

15 MR. HOOPES: So maybe before you do
16 that, so if you might think of it as a cross,
17 which is you get the courtroom, first when
18 looking out the door. And you have the clerk's
19 office across from the stairs. And then you have
20 the benches right here, which you can note are
21 not visible from the outside. And then we have
22 that public conference room.

23 MR. MCINERNEY: Understood.

24 MS. FABRICANT: So I think we're ready
25 to go outside. I think we're going to be

1 escorted. Since it's now now, but not then,
2 necessary to open some locked gates.

3 MR. HOOPES: So it's a simple view.
4 But from these stairs here and then down here,
5 you can look up and -- not to see the courthouse,
6 but you're going to see areas in front of the
7 courthouse above the steps where people might
8 have had conversation. To your left you can see
9 the Newton Police Department, which is directly
10 adjacent, unusually so. And you can see areas to
11 walk over from the courthouse straight to the
12 Newton PD and then around the back.

13 MS. FABRICANT: And I think it's worth
14 noticing while we're in front that the buildings
15 actually are directly adjacent. You can't walk
16 between them.

17 All right. So I think we're going to
18 go that way around the back that way.

19 Back here, these cars parked, public
20 street to the right. Public parking lot on the
21 other side of that public street.

22 MR. HOOPES: (indiscernible) come in
23 here, park the vehicle, the door opens. Prisoner
24 comes in (indiscernible).

25 MS. FABRICANT: And then you showed us

1 another secure door, that one over there.

2 COURT OFFICER: That's the one in the
3 hallway right in front of the steps.

4 MR. HOOPES: Court personnel come in
5 through when they park --

6 COURT OFFICER: Sure.

7 MR. HOOPES: When court personnel park
8 in the back as they used to, which door did they
9 come in?

10 COURT OFFICER: Back in the day I can't
11 confirm. I wasn't here then, sir. So I don't
12 want to give you any bad information.

13 MR. HOOPES: Okay. No problem.

14 MS. FABRICANT: But that door over
15 there that we can see over here I take it is also
16 a secure door (indiscernible).

17 So Newton Police Department. And I
18 think you'll hear evidence that this is the
19 district attorney's (indiscernible).

20 MR. HOOPES: And you can escort people
21 in custody (indiscernible).

22 MS. FABRICANT: More of this
23 (indiscernible).

24 MR. HOOPES: (indiscernible) end it
25 however you want, whenever you want.

1 MR. MCINERNEY: Yeah. So I think we
2 can end it now as far as I am concerned. And I
3 think -- shall we just make it 10:00? Is that
4 easiest for everybody.

5 MR. HOOPES: That's okay.

6 MS. FABRICANT: It's only 8:15. I
7 guess --

8 MR. HOOPES: If we could say ten,
9 that's great. We've got some things to fit in.

10 MS. FABRICANT: All right.

11 MR. MCINERNEY: Okay. So let's make it
12 10:00.

13 MS. FABRICANT: Okay. That's fine.

14 MR. MCINERNEY: And we'll just resume
15 then. And we'll see you back at Suffolk County.

16 MS. FABRICANT: Ready for opening
17 statement at 10:00. All right.

18 MR. MCINERNEY: Good. All right.
19 Thank you.

20 MS. FABRICANT: I'm going to go that
21 way because I'm parked that way.

22 MR. HOOPES: Us too. Us too.

23 MR. MCINERNEY: Thank you very much.
24
25

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.

Sonya M. Ledanski Hyde

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: August 27, 2025

1	accurate 28:4	16:17 17:17,18	b
10:00 27:3,12 27:17	actual 10:13 11:9	17:19,25 18:2,3 18:6,11,12 20:1	back 5:11 6:13 6:17 8:12
11501 28:14	actually 11:4 12:19 14:19	areas 6:21 8:6 8:13 9:23,25,25	10:18 12:15
12151 28:8	15:2 25:15	10:5 25:6,10	13:24 16:17,21
1309 3:14	ada 20:19	arraigned 22:6	16:23 17:6
13th 3:7	add 9:21	arraignment 4:7 22:2,4	18:7 19:25
2	adjacent 6:3 25:10,15	aspects 5:4	23:7,10,12,13
2018 7:13	advocate 20:17 20:20	assistant 18:13 20:23	23:21 25:12,18
2019-22 1:4 2:8	afternoon 7:20	assisted 7:24	25:19 26:8,10
2025 1:12 28:16	ago 7:13	attention 5:3 7:7 10:6	27:15
27 28:16	agreement 7:18	attorney 7:15 20:23	backup 12:18
2nd 7:13	ahead 13:20,22 14:10	attorney's 18:14 20:4,15	bad 26:12
3	aided 7:24	20:16,18 26:19	badge 13:16
3 3:13	alternative 8:10	attorneys 2:11	bail 22:10
300 28:13	anticlimactic 23:3	audience 9:7,25 10:18,24	bar 9:25
330 28:12	anybody 10:21 11:2	august 28:16	basically 12:21
3:00 7:20	appointed 2:10	authorities 7:22	believe 15:6 17:8
3rd 3:3	appreciate 12:11	authorized 17:3	bench 8:20,21 8:21 9:6,12
8	april 7:13	available 3:6 20:17	10:9 24:9
8:15 27:6	area 4:15 5:12 5:22 8:12 9:20	avoid 4:17	benches 11:4 24:20
9	10:17,18,20,23	aware 3:2	beyond 5:13
9 1:12	10:24 11:1,6		block 19:9
a	12:3 13:23,24		boston 3:13
a.m. 2:3	13:25 14:4		brief 3:19
able 19:22			bring 5:3
above 25:7			broad 20:18
access 5:19 8:10 19:9			brought 21:6
accessible 18:12			building 4:17 4:23 5:11 6:19

22:17 buildings 25:14 buzzer 13:16	close 9:19 12:6 closed 9:18 come 12:2 15:15 16:15,20 16:20,21 18:4 22:3 25:22 26:4,9 comes 24:7,9 25:24 coming 8:9 18:17 23:13 commission 1:2 2:7,17,19 commonwealth 1:1 complaint 1:4 2:7 completed 3:11 concerned 27:2 concerning 2:8 conduct 1:2 2:17,19 conduct's 2:7 conducted 2:6 3:10 conference 24:11,22 confirm 26:11 connection 2:6 context 4:24 continue 3:14 5:17,25 conversation 8:22,24 25:8	copy 3:5 core 8:1,1 correct 12:4 16:2 20:9 21:9 correctly 17:25 counsel 2:16 3:17,18,24 5:2 7:8 9:9 10:3 11:7 count 11:4 counter 5:23 18:18 country 28:12 county 3:12,20 27:15 couple 20:13 court 2:4 3:1 4:3,11 7:15 8:25 9:1,12 12:4,9 13:23 16:2,6,8,13 17:23 18:10,23 19:1,4,8,11,15 19:17,23 20:3 21:9 22:22 23:1 26:2,4,6,7 26:10 courthouse 3:11,13,21 5:16 7:14,18 8:3 20:8 25:5,7,11 courtroom 3:14 4:7 5:5 6:2,5,9 7:8,14,19 8:6	8:17,18 9:8,24 10:3,21 11:2,3 21:18,20,21,22 22:2 24:3,8,17 coverage 3:4 credibility 7:25 8:4 cross 24:16 custody 4:11 5:15 7:17 17:10 21:5,19 21:20,22 26:21 customs 4:18 cut 20:5
c		d	
c 2:1 12:1 28:1 28:1 call 10:7,17 called 4:21 capacity 14:2 car 15:3 card 16:5,21,22 17:2 19:8 cars 25:19 case 2:12 4:6 21:11 cell 13:19,21 14:1 19:9 certain 4:25 6:7 certify 28:3 check 14:9 chief 17:23 18:10 20:3 23:15 cjc's 3:6 claimed 7:23 clarification 12:10 clerk 9:2 10:9 10:11,16 11:2 clerk's 9:1,6 24:6,18 client 7:16		d 2:1 12:1 date 28:16 david 7:14,21 day 6:6 26:10 decide 4:21 defendant 4:10 4:12,16 5:6 deliberation 6:4 21:8 demonstration 13:16 denis 1:10 dennis 2:9 department 25:9 26:17 desk 8:24 9:1,2 9:12	

determining 7:25 device 9:18 devised 7:15 different 18:24 dimensions 5:1 24:2 direct 7:6 direction 10:2 directly 24:8 25:9,15 disoriented 6:20 distance 10:13 11:10 14:24 district 3:10 18:13 20:4,15 20:16,18,23 26:19 dock 4:14 5:5 8:8 9:13,14,15 9:16,17,20 10:1 10:1 11:14,15 21:18,21,23 22:3,4,5,6 door 4:13,15,16 5:7,8,10,13,21 5:24 6:17,23 9:16,17 11:15 13:15,17 14:12 14:12 15:25 16:1,4,10,23,25 17:1 19:7,18 24:3,7,9,18	25:23 26:1,8,14 26:16 doors 5:19 6:21 9:21 doorway 13:13 downstairs 4:13,14 8:10 21:5,14 22:3,14	entry 9:23 equipment 6:14 9:4,6 22:16 24:4 eric's 13:6 escape 7:17,19 escort 26:20 escorted 4:12 25:1 esq 1:10 essential 4:20 event 4:6 9:7 15:8 everybody 2:4 10:20,22 27:4 evidence 3:23 5:14 6:5 9:5 15:6,9,11 17:8 20:14 21:10 22:8 26:18 excuse 12:6,7 exit 8:12 9:24 10:1 24:4,5 expect 15:10 explained 12:20	16:7,9,14 17:3 17:5,7,14,23 18:10,16,24 19:2,5,21 20:13 20:22 21:4,10 21:17,25 22:7 22:13 23:5,9,18 23:21 24:1,24 25:13,25 26:14 26:22 27:6,10 27:13,16,20 facing 10:25 factors 8:7 far 24:3 27:2 federal 7:22 feel 15:2 fellow 11:7 fence 7:2,4 fenced 5:12 fencing 15:6,7 15:8,17 fine 27:13 firearms 14:9 first 3:18 6:8,9 7:8,22,23 10:7 19:25 21:13 24:2,8,17 fit 15:4 27:9 flight 5:8 floor 6:1,12 17:11 21:2 focus 8:5 follow 5:6 13:21
	e		
	e 2:1,1 12:1,1 28:1 earlier 15:5 ease 10:19,21 11:1,1,2 easier 12:12,17 12:25 easiest 27:4 edge 14:24 effort 7:24 eight 7:21 elevator 17:8,9 18:21,22,25 19:1,3 21:5,6 elizabeth 2:22 enabling 4:17 encompass 8:13 10:8 enforcement 4:18 14:8 entire 4:23 entrance 16:17 24:4,5,6,8	f	
		f 28:1 fabricant 2:15 2:16 3:24 4:1,4 8:16 11:13 12:2 14:5,11,18 15:5,14,19 16:4	

foregoing 28:4 foundation 8:2 four 8:5,13 10:5 11:5 fourth 8:11 11:6 front 6:17,18 8:13 24:9 25:6 25:14 26:3 full 3:22 furnishings 6:15 22:15 further 17:8	23:10,16 24:25 25:18 27:20 goes 15:23,24 going 4:23 6:19 8:5,7,9,16 9:21 13:18 18:2 23:12,21 24:25 25:6,17 27:20 good 2:5,15,18 2:20,22,24 4:4 7:12 10:4 27:18 great 13:8 27:9 guess 27:7	helps 23:13 hold 12:12 holding 13:19 13:21 14:1 honor 2:20,24 10:5 hoopes 2:20,21 7:10 10:4 13:12 14:16,20 16:15,24 17:13 17:16,22 18:7 18:13 19:24 20:10,19 22:5 22:10,19,23 23:6 24:15 25:3,22 26:4,7 26:13,20,24 27:5,8,22 hope 8:14 howard 2:2,18 13:10 hyde 28:3	20:1 21:2 22:20 23:5,6,8 23:10,20,24,25 25:22,24 26:16 26:19,21,23,24 information 26:12 inside 9:9 interpreter 4:13 11:8,9 issue 15:9 issued 3:3
g	h	i	j
g 2:1 12:1 gate 14:23 15:10,14 gates 7:2 25:2 generally 19:14 gentleman 16:16 give 13:5,6 26:12 gives 4:6 glance 24:13 go 3:12 5:5 6:13,17 7:2 11:14,15 13:17 13:19 14:3,10 14:15 17:7 19:10,14 20:7 20:25 21:1 22:14,16 23:7	hallway 5:18 9:22 15:23 17:18 26:3 hand 9:15 happen 9:4 happened 7:17 21:11 hard 16:19 head 14:17 hear 5:14 6:4 9:5 15:9,11 18:8 20:24 26:18 heard 15:5 hearing 1:7,9 2:6,10 3:9,14 3:20 7:12 8:1	ice 4:8 7:17 identify 2:13 immigration 4:18 indicates 14:8 indiscernible 11:16 12:24,24 13:1,9,10 14:20 15:19 18:5,6,9 18:15,19 19:24	judge 2:8,21,23 2:25 3:18 4:10 4:21 6:9,10 7:23 9:3 10:19 11:1 21:12 judge's 6:3 8:20 9:11,22 10:7,12 11:11 23:19 judges 5:19 judicial 1:2 2:7 2:17,19

judith 2:16 june 1:12 3:3 jury 6:3,4,6 21:7,8 justice 6:8 21:13	22:14,15 23:22 location 4:24 8:19 9:8,13 locations 4:25 6:15 8:19 locked 9:16 15:12,12,16 25:2 lookup 4:15 5:9 16:17 17:17,18 17:19 18:5,9 20:6 long 13:4 look 5:12 13:14 13:25 14:12,13 14:13 15:1 22:15 25:5 looking 24:18 lot 5:13,20 6:22 7:3,5 13:15 25:20 lower 5:18 6:21	manual 17:12 17:13 massachusetts 1:1 matter 2:11 3:8 matters 3:16 mcinerney 1:10 2:9 4:2 14:10 15:13 16:22 17:1,4,6,12,15 17:20 18:4 19:10,13,16,19 20:7,12,21 21:3 21:16,24 22:1,9 22:12 24:14,23 27:1,11,14,18 27:23 mean 10:13 23:7 meaning 16:22 measure 10:14 media 3:3,5 michael 2:25 mind 10:6,14 14:16 mineola 28:14 minutes 23:17 mistaken 15:25 moment 15:20 months 7:21 morning 2:5,15 2:18,20,22,24 4:5 7:12 10:4	mount 12:25 mulvey 2:22,23 n n 2:1 12:1 28:1 name 2:9 necessary 9:14 25:2 need 8:14 9:3 14:19 17:2 19:8 neff 2:2,2,18,19 12:8,13,16,19 13:1,3,8,10,11 new 7:2 15:6,7 15:17 newton 3:10 25:9,12 26:17 non 17:24 18:2 noon 7:19 note 3:2 4:25 5:4 8:18 14:23 21:17 24:2,20 notice 15:20,21 15:22 22:15 23:22 noticing 25:14 noting 5:18,24 14:6 23:18 number 10:24 11:4 ny 28:14
k			
keating 2:24,25 kept 15:16 key 16:5 17:12 17:13,13 19:11 keycard 16:8 16:11 17:11 know 8:14 13:6			
l			
law 14:8 lawyer 4:12 lawyers 8:23 leads 5:10 10:1 leaving 23:25 ledanski 28:3 left 10:25 11:11 13:14,20,22,23 20:5 24:11 25:8 legal 28:11 length 14:25 level 5:18 6:21 little 16:19 lobbies 23:19 lobby 4:8,19 5:25 6:3,14,14 9:22 20:1,2,8	ma'am 19:4 macgregor 7:16 main 4:8,19 5:25 6:14,14 22:14,15 23:22 24:3 make 7:8 12:12 27:3,11		
	m		

o	27:13	p	
o 2:1 12:1 28:1 observations 8:2 observe 11:15 occur 8:22 occurred 7:19 office 17:24 18:11,14 20:3,4 20:15,16,17,18 20:22 24:7,19 officer 1:9 2:10 4:8,11,18 7:12 7:16 8:25 9:1 12:4,9 13:23 16:2,6,8,13 18:23 19:1,4,8 19:11,15,17,23 21:9 22:22 23:1 26:2,6,10 officer's 8:25 9:12 17:24 18:11 20:3 officers 14:9 oh 12:13,19 17:7 20:12 okay 2:4 12:9 12:13,16 13:2,8 14:5,10 16:9,14 17:4,5 19:5,6 19:13,16 20:12 21:25 23:13 26:13 27:5,11	old 28:12 older 23:19 once 6:12 ones 23:19 open 9:18 14:13 16:11 18:12 19:12 25:2 opened 9:17 opening 3:19 3:22 13:17 27:16 opens 5:21 25:23 opportunity 3:21 order 3:3,6 7:11 ordered 4:10 orientations 5:1 outer 14:24 outset 3:2 outside 5:13 6:22 14:14 16:3 19:14,21 22:4,16 23:16 24:21,25 overlapping 22:18,21 own 10:14	p 2:1 12:1 page 3:7 papers 9:15 park 25:23 26:5,7 parked 15:2 25:19 27:21 parking 5:13 5:20 6:22 7:3,4 8:12 25:20 particular 10:20 particularly 8:20 parties 2:12,13 3:2,11,16,21 path 5:6 pathway 9:11 pay 10:6 pd 25:12 pemberton 3:13 people 25:7 26:20 perimeter 7:4 8:11 person 9:13,15 9:18,19 10:15 10:15,15,16 11:10 17:10 21:5,19,20,21 22:2	personnel 17:3 18:1 26:4,7 persons 5:15 place 14:8 planning 23:4 please 2:12 pocket 12:25 point 7:6 8:7 10:2 police 6:23 20:24 25:9 26:17 pool 6:3 21:7 position 15:9 prepared 23:2 present 3:23 6:10 21:13 presiding 6:8 press 3:7 12:7 pretty 24:5 prisoner 25:23 probation 5:22 8:24,25 10:12 17:22,25 18:1,5 18:9,17,17,18 20:5 problem 23:1 26:13 proceed 5:23 proceeding 4:7 proceedings 6:7 28:5 properly 4:2

protocol 3:4 proximity 8:19 9:10,24 10:10 10:11,11,13 public 5:22,24 6:1,13 9:23 15:23,24 16:12 17:24 18:2,3,11 18:12,17,18,20 19:1,2 20:2,11 24:10,22 25:19 25:20,21 put 4:24	relation 5:1 release 3:8 released 4:11 4:16 21:19,22 relevant 7:1,5 21:11 remarks 7:9 representing 2:12,14 requires 16:5,8 16:11 17:11 restroom 24:11 result 4:22 resume 27:14 resumes 3:20 richmond 2:8 right 4:4 6:20 10:10 11:8,13 12:19 13:14,18 13:18 14:6,15 17:17,20,20 18:14,21 19:5,9 19:17 20:4 22:13 23:11,13 24:7,20 25:17 25:20 26:3 27:10,17,18 rise 4:6 road 28:12 roadmap 16:18 role 4:21 room 6:3,4 21:7,8 24:12,22	roughly 7:17 7:20 s s 2:1 12:1 sally 19:18 sallyport 4:16 5:10,15 8:8 13:25 14:4,23 14:25 15:1 saw 21:4 schematic 16:19 scheme 7:15 scintilla 8:4 seated 2:5 10:22 11:3 seats 9:9 second 4:14 5:8 6:1,2,5,11,12 10:17 17:11 21:2 section 8:10 9:7 secure 5:7,8,10 5:17,19,21 9:16 9:18,21,22,23 11:15 12:3,22 16:1,10 17:9 18:21,25 19:7 26:1,16 secured 4:14 security 24:4 see 5:9,12,22 6:2,21,25 8:11	10:19,22 11:3 13:22,25 15:17 16:9,19 19:22 19:25 21:1 24:13 25:5,6,8 25:10 26:15 27:15 seeing 21:14 session 6:2,5,6 6:9,11 24:8 set 22:11 seven 7:13 shape 8:18 shelley 2:8,21 short 8:23 show 22:20 showed 25:25 side 7:3 8:21 11:11 14:25 25:21 sidebar 8:21,23 9:11 signature 28:8 simple 25:3 simply 11:6 sir 19:12 26:11 sit 8:25 9:1,2 sits 6:10 21:13 sitting 10:20 21:13 size 8:18,20 9:8 15:15 24:2,13 slow 13:12
--	--	---	--

solutions 28:11 sonya 28:3 sorry 12:20 20:12 speak 9:3,14 11:8,9 speaker 12:5 12:11,14,17,23 13:2,5,9 22:25 23:2,11,15,17 23:24 speakers 22:18 22:21 special 2:16 3:17,24 spoke 7:22 sporadically 6:7 square 3:13 staff 5:19 staircase 20:2 stairs 5:8 8:22 24:19 25:4 stairway 4:15 5:24,25 6:1,13 15:21,23,24 18:20 24:10 stairwell 20:8 stand 8:23 standing 11:7 state 4:11 statement 27:17	statements 3:19 3:22 station 6:23 20:24 stay 22:3,6 step 14:19,21 steps 6:18 8:9 25:7 26:3 stick 14:17 stop 14:3 storage 13:22 straight 13:19 13:22,24 25:11 street 25:20,21 streets 6:24 suffolk 3:12,20 27:15 suggest 11:14 suggesting 14:15 suggestion 20:25 suite 28:13 sure 5:2 21:3 24:14 26:6 surrounding 6:23 switch 12:14	17:10 20:4 24:1 26:15 takes 19:25 ten 23:17 27:8 tend 15:15 testimony 14:7 18:8 thank 2:5 3:1 4:1 7:11 8:14 10:4 11:12 12:6,9 13:8 19:19 22:25 27:19,23 things 5:3 7:7 20:13 23:23 27:9 think 6:19 14:7 20:14 22:7,14 22:19,23 24:16 24:24,25 25:13 25:17 26:18 27:1,3 third 8:8 14:1 three 11:5 14:2 tie 16:16 time 3:17 7:1,5 7:22,23 9:7 15:8 told 15:18 tom 2:21 took 5:7 tour 4:23 toured 6:12	transcript 28:4 transfer 5:15 true 28:4 turn 3:17,24 9:2 10:21 turns 23:4 two 5:18 9:21 10:24 11:4 15:3
			u
			underpinning 8:1 understand 17:25 understood 20:21 21:16,24 22:9 24:23 unidentified 12:5,11,14,17 12:23 13:2,5,9 22:25 23:2,11 23:15,17,24 unusually 25:10 upstairs 21:1,6 use 5:19 20:20 used 5:15 6:6 17:10 26:8 useful 22:20 usually 15:10 15:11,12,16 21:12

v	27:21
van 15:2,3	we've 27:9
vans 15:3,15	website 3:7
various 5:4	week 6:6
6:15 7:7 8:6	went 13:20
vehicle 25:23	24:10
veritext 28:11	wesley 7:16
victim's 20:17	words 13:14
20:19	work 18:1
view 3:9,11,19	working 4:2
6:14 11:1 25:3	worth 14:6
visible 24:21	23:18 24:12
visiting 6:10	25:13
21:12	x
volume 1:6	x 1:5,11
w	y
wait 24:10	yeah 14:17,17
waited 4:8	14:20 16:24
waiting 4:19	20:10,10 22:12
walk 6:19	27:1
13:13 20:2	years 7:13
22:16 25:11,15	z
walking 17:16	zone 10:7,12,18
18:8	11:11
wall 14:24	zoom0001.m...
want 5:3 10:2	1:15
12:10,21 19:11	
26:12,25,25	
wants 7:8	
way 8:10 16:10	
16:13,20 17:6	
17:19 23:9	
25:18,18 27:21	