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COMMONWEALTH OF MASSACHUSETTS

NORFOLK; SS.

DISTRICT COURT DEPARTMENT
OF THE TRIAL COURT
INQUEST NO. 01 OF 2010

* * * * *
JUDICIAL INQUEST INTO THE
DEATH OF SETH BISHOP
* * * * *

JUDICIAL INQUEST HEARING
BEFORE THE HONORABLE MARK S. COVEN

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Tuesday, April 13, 2010

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1 (Court called to order at 9:16 a.m.)

2 THE CLERK: This is the inquest into the death of Seth
3 Bishop.

4 THE COURT: Good morning everyone.

5 MR. NELSON: Good morning, your Honor.

6 THE COURT: My name is Judge Mark Coven. I'll be presiding
7 over the inquest today. What I'd like to do is first is have
8 everyone identify themselves for the record, so I'll know who's
9 in the courtroom, and then we'll talk about how we'll proceed.

10 So why don't I start with you, Mr. Nelson?

11 MR. NELSON: Robert Nelson for the Commonwealth.

12 MS. CUSICK: Good morning, your Honor, Tracey Cusick also
13 for the Commonwealth.

14 MR. STEVENS: Attorney Brian Stevens representing Mr. and
15 Mrs. Bishop.

16 THE COURT: So why don't we start here and then we'll go
17 down. If you'll just stand and tell me your name, I need to get
18 everybody's name on the record here, please?

19 MS. BISHOP: Judy Bishop.

20 MR. BISHOP: Sam Bishop.

21 MR. SULLIVAN: Lieutenant Sullivan retired Deputy Chief.

22 MR. LEAHY: James Leahy retired Detective.

23 MS. CIPULLO: Lynne Cipullo, the victim-witness advocate
24 for the District Attorney's Office.

25 MR. BUTLER: Lieutenant Captain Butler with the State

1 Police.

2 MR. ARNOLD: Trooper Michael Arnold with the State Police.

3 MR. CHRISTIANSEN: Detective/Captain Bill Christiansen with
4 the State Police.

5 MR. JORDAN: Richard Jordan retired Braintree Officer.

6 MR. SHARKEY: James Sharkey, former State Police.

7 MR. MCGEE: Your Honor, I represent Ron Solimini. I don't
8 know whether you're going to be allowing counsel in here or not,
9 but my name is Frank McGee.

10 THE COURT: Okay.

11 MR. SOLIMINI: Ron Solimini, patrolman, Braintree Police.

12 MR. FINN: William Finn retired Braintree Police.

13 MR. BRADY: Kenneth Brady retired Braintree Police

14 Lieutenant.

15 MR. MURPHY: Tim Murphy retired Braintree Police.

16 THE COURT: Thank you. Sir, in the back row, I didn't get
17 your name. I apologize?

18 MR. JORDAN: Richard Jordan.

19 THE COURT: Thank you.

20 MR. JORDAN: Retired Braintree.

21 THE COURT: Okay. Jim, you should identify yourself.

22 MR. COMERFORD: Jim Comerford, Quincy Court.

23 THE COURT: Jean-Marie?

24 THE COURT OFFICER: Assistant Chief Court Officer, Jean-
25 Marie Turley.

1 THE COURT: Okay.

2 THE CLERK: James Foley, Assistant Clerk.

3 MS. CRAWFORD: Colleen Crawford from the Norfolk District
4 Attorney's Office.

5 THE COURT: Okay. And we have a stenographer here.

6 THE COURT REPORTER: Kim Crandell.

7 THE COURT: Okay. Thank you. All right. So let's discuss
8 how we're going to proceed. But first of all, the clerk will
9 swear in any of the witnesses who are going to testify today.
10 Then the witnesses are going to be sequestered. I guess we'll
11 have to use this room here to sequester the jurors (sic).

12 Obviously, all of you, particularly those of you who are or
13 were in law enforcement know that sequestration means that you
14 can't discuss this case among yourselves. You can't talk about
15 your testimony. You can't talk about your recollection. You
16 can't talk about your police reports. You can't talk about your
17 testimony or any questioning in the courtroom. That's what
18 sequestration means and you're to abide by that order.

19 Mr. Nelson, I would assume you've made your list in the
20 order of how you're going to have people testify?

21 MR. NELSON: I do and I have a copy for the Court.

22 THE COURT: Okay. Mr. McGee, in response to your question,
23 ~~you're allowed to be in the courtroom when your client~~
24 testifies.

25 MR. MCGEE: Thank you, your Honor.

1 THE COURT: And your client -- thank you. Your client can
2 concur with you at any point during the testimony should he so
3 desire. Okay.

4 MR. MCGEE: Thank you, your Honor.

5 THE COURT: Mr. Stevens, in terms of your role here, the
6 Bishops are allowed to be under the standing orders and the
7 rules, the Bishops are allowed as the parents of the deceased,
8 they're allowed to be in the courtroom for the full inquest
9 proceedings. You're allowed to be in the courtroom during the
10 full inquest proceedings. During their testimony if either Mr.
11 or Mrs. Bishop want to confer with you, they have the full right
12 to confer with you unless you just let me know, indicate to me
13 that they would like to confer with you at any point during the
14 proceedings. There will be no cross-examination during the
15 proceedings.

16 For the record I did, and it will remain a part of the
17 record, I did get a letter from Amy Bishop's lawyer in Alabama.
18 That letter and my response to it will become part of the
19 inquest record. In that letter, the lawyer indicated he could
20 not be here and Amy Bishop could not be here for the inquest
21 proceedings. He asked that I appoint a lawyer for him -- for
22 her, excuse me. I responded that I was not aware of any statute
23 ~~or law that allowed me to appoint a lawyer for a target of an~~
24 inquest and I asked if he knew of any statute or law to let me
25 know and I haven't heard anything. So as far as I know, no one

1 has indicated to me at this point that Amy Bishop will be
2 represented here today.

3 Anything else, Mr. Nelson, that you want me to just issue
4 or order in terms of the guidelines or rules for the inquest
5 proceeding?

6 MR. NELSON: No, your Honor.

7 THE COURT: Okay. So I think, Mr. Nelson, if you, my
8 thinking at this point is to swear the witnesses, find out who
9 you intend to call for today. Is everybody in the room to be
10 called today; do you want to keep everybody here today?

11 MR. NELSON: I would at least during the morning until we
12 get to a point where -- I don't know how long each of these
13 witnesses are going to take.

14 THE COURT: Okay.

15 MR. NELSON: Some individuals have indicated to me they
16 have a lack of memory as to the events.

17 THE COURT: Yeah.

18 MR. NELSON: So it may go quicker than --

19 THE COURT: Okay. In terms of who, I should have said this
20 earlier, in terms of who is able to remain in the courtroom
21 during the proceedings, obviously, I've indicated the Bishops
22 and anyone from the district attorney's staff, my staff, court

23 ~~staff, no court staff that are not involved in the inquest~~
24 proceedings will be allowed in.

25 Obviously, the State Police Officers that have been

1 investigating and working for you on this inquest will be
2 allowed to remain in the courtroom for the entire proceedings.

3 MR. NELSON: Thank you.

4 THE COURT: I've also requested from the District
5 Attorney's Office that Trooper Arnold, who will be the
6 ballistics expert, I would like him to hear the entire
7 testimony. And I've asked that he remain in the courtroom for
8 the entire proceeding and be free to take any notes that he
9 would like, just so that he'll have a full recollection of all
10 the testimony.

11 So I think what we should do, this is my plan right now, is
12 to swear all the witnesses, sequester the witnesses and then go
13 through have you go through any exhibits that you want to
14 introduce prior to any questioning. There are certain things we
15 need I think to get in before we start taking any testimony.
16 For example, I think that you indicated that you were going to
17 produce a diagram, so that would be very useful for me to have.

18 MR. NELSON: Yes.

19 THE COURT: So why don't we swear the witnesses, sequester
20 the witnesses and then take up any exhibits unless you have any
21 other suggestions?

22 MR. NELSON: No, that's fine, your Honor.

23 THE COURT: Okay.

24 THE CLERK: Anyone that will be a witness, at this time
25 would you please stand and raise your right hands?

1 WITNESSES, Sworn

2 THE WITNESSES: I do.

3 THE COURT: All right. Everyone but the Bishops --
4 Annmarie, do you want to?

5 THE COURT OFFICER: Yes, sir. Would you follow me, please?
6 (Witnesses sequestered.)

7 THE COURT: All right. Mr. Nelson, do you want to talk
8 about the exhibits or how do you want to proceed?

9 MR. NELSON: It may be beneficial for the Court if we mark,
10 I do have a number of photographs that I intend to use and
11 there's the aerials of the area and then the diagrams of the
12 house.

13 THE COURT: Okay.

14 MR. NELSON: So those might be. So you want to put up
15 photograph number 1?

16 And this is the first photograph, your Honor. So I'd ask
17 that that be marked as Exhibit 1.

18 THE COURT: Okay. Do you want to give me or give the clerk
19 the actual photograph so he can mark them?

20 MR. NELSON: I will.

21 MR. STEVENS: Excuse me, your Honor. Could my clients see
22 the photographs --

23 THE COURT: Of course they can.

24 MR. STEVENS: -- at this stage?

25 THE COURT: Yup. They're welcome if they want during the

1 proceedings to sit in the jury box there.

2 MR. STEVENS: Okay. Thank you.

3 MR. NELSON: And it actually may be helpful because I --

4 THE COURT: Yes.

5 MR. NELSON: -- intend to ask them some of what's shown in
6 the photographs.

7 THE COURT: Jim, you can see? Can you see?

8 MR. COMERFORD: Yeah. I'll just move over here.

9 (The clerk marks the photograph as Exhibit Number 1.)

10 THE COURT: And I assume, Trooper Arnold, you'll need to
11 see the photographs, too. So why don't you move up as well?
12 Okay.

13 MR. NELSON: And this photograph, I'd ask be marked as
14 Exhibit 2.

15 (The clerk marks the photograph as Exhibit Number 2.)

16 MR. NELSON: And this is Exhibit 3.

17 (The clerk marks the photograph as Exhibit Number 3.)

18 MR. NELSON: Exhibit 4.

19 (The clerk marks the photograph as Exhibit Number 4.)

20 MR. NELSON: Exhibit 5.

21 (The clerk marks the photograph as Exhibit Number 5.)

22 MR. NELSON: Exhibit 6.

23 ~~(The clerk marks the photograph as Exhibit Number 6.)~~

24 MR. NELSON: Exhibit 7.

25 (The clerk marks the photograph as Exhibit Number 7.)

1 MR. NELSON: 8.

2 (The clerk marks the photograph as Exhibit Number 8.)

3 MR. NELSON: 9.

4 (The clerk marks the photograph as Exhibit Number 9.)

5 MR. NELSON: 10.

6 (The clerk marks the photograph as Exhibit Number 10.)

7 MR. NELSON: 11.

8 (The clerk marks the photograph as Exhibit Number 11.)

9 MR. NELSON: 12.

10 (The clerk marks the photograph as Exhibit Number 12.)

11 MR. NELSON: 13.

12 (The clerk marks the photograph as Exhibit Number 13.)

13 MR. NELSON: 14.

14 (The clerk marks the photograph as Exhibit Number 14.)

15 MR. NELSON: 15.

16 (The clerk marks the photograph as Exhibit Number 15.)

17 MR. NELSON: 16.

18 (The clerk marks the photograph as Exhibit Number 16.)

19 MR. NELSON: 17.

20 (The clerk marks the map as Exhibit Number 17.)

21 MR. NELSON: 18.

22 (The clerk marks the photograph as Exhibit Number 18.)

23 MR. NELSON: 19.

24 (The clerk marks the photograph as Exhibit Number 19.)

25 MR. NELSON: And 20.

1 (The clerk marks the diagram as Exhibit Number 20.)

2 MR. NELSON: And do you have the diagram? Do you have the
3 first floor?

4 THE CLERK: This will be 21.

5 (The clerk marks the diagram as Exhibit Number 21.)

6 MR. NELSON: That's the first floor, your Honor. And it's
7 also on the first floor; it's just the kitchen itself. That
8 would be 22.

9 (The clerk marks the diagram as Exhibit Number 22.)

10 MR. NELSON: And then the second floor.

11 (The clerk marks the diagram as Exhibit Number 23.)

12 MR. NELSON: As we were preparing, we had the two
13 photographs, one of Seth Bishop and one of Amy Bishop. The
14 Bishops themselves brought in photographs.

15 THE COURT: Okay.

16 MR. NELSON: That apparently was taken about a month before
17 this incident took place.

18 THE COURT: All right.

19 MR. NELSON: So they would ask that those be marked. Is
20 that 24?

21 THE CLERK: 24.

22 (The clerk marks the photograph as Exhibit Number 24.)

23 MR. NELSON: And at a previous hearing, the Court had asked
24 if we could obtain the weather reports --

25 THE COURT: Yeah.

1 MR. NELSON: -- for the date in question and I have that.

2 THE COURT: Great. Thank you.

3 MR. NELSON: So if we could have that marked as Exhibit 25.

4 (The clerk marks the report as Exhibit Number 25.)

5 MR. NELSON: Then we ended up with a second weather report
6 that's a little more detailed than the first one.

7 THE COURT: Okay.

8 MR. NELSON: Exhibit 26.

9 (The clerk marks the report as Exhibit Number 26.)

10 MR. NELSON: And then we obtained a certified copy of that
11 National Enquirer.

12 THE COURT: Okay.

13 MR. NELSON: That was on the floor in one of the
14 photographs.

15 (The clerk marks the National Enquirer as Exhibit Number 27.)

16 MR. NELSON: And we may want to wait until we actually show
17 it, but we do have a video that was taken of the house, the way
18 it is now, so that there are some --

19 THE COURT: Okay. We don't need to mark that.

20 MR. NELSON: We can mark it maybe when we show it. And
21 then I have a rifle.

22 THE COURT: A what?

23 ~~MR. NELSON: It supposedly the exact same --~~

24 THE COURT: But it's not the rifle?

25 MR. NELSON: It's not the rifle; right.

1 THE COURT: Okay. But it's the same model as --

2 MR. NELSON: Correct.

3 THE COURT: Okay. We don't need to mark that now I would
4 think. Do you have the death certificate?

5 MR. NELSON: I do, yes. I have a death certificate and
6 medical records from the --

7 THE COURT: Thank you.

8 MR. NELSON: The death certificate is Exhibit 28.

9 (The clerk marks the certificate as Exhibit Number 28.)

10 MR. NELSON: And these are the medical records from Quincy
11 Medical Center.

12 MR. STEVENS: I'm sorry. Medical records?

13 MR. NELSON: Yes.

14 MR. STEVENS: From Quincy?

15 MR. NELSON: Yes, Quincy Medical Center.

16 (The clerk marks the medical records as Exhibit Number 29.)

17 MR. NELSON: And there were two EMT individuals that went
18 out to the scene. We've been unable to locate either of them

19 but I do have their report. So I'd ask that be marked.

20 (The clerk marks the EMT report as Exhibit Number 30.)

21 MR. NELSON: And then I have a -- we had attempted to
22 locate an autopsy report and we were unable to do that, but we

23 ~~do have an e-mail that we received relative to the fact that~~

24 there was no autopsy report at the Medical Examiner's Office.

25 They had thought at one time that maybe there was a copy at

1 Harvard Medical School, but it ended up that there wasn't. So
2 if I can just, like, we did actually attempt to find it, but
3 there is none.

4 (The clerk marks the e-mail as Exhibit Number 31.)

5 THE COURT: Were you able to determine whether there was
6 ever a report or it just couldn't be located?

7 MR. NELSON: Just that it could not be located. We
8 actually, there were two doctors involved, both are deceased.
9 One of them, Doctor Ridder, his wife had indicated that he had
10 some notes at the house, and she was going to look through those
11 and see if there was anything regarding this case in those
12 notes, but there was nothing.

13 THE COURT: Okay.

14 MR. NELSON: I'll ask that this book as well be marked,
15 Judge. This is a copy of the book that was used by Amy Bishop
16 to cover up the hole in the wall in her bedroom when the gun
17 went off up there.

18 THE COURT: Okay.

19 MR. NELSON: Not that you'll be reading it.

20 THE COURT: Okay.

21 (The clerk marks the book as Exhibit Number 32.)

22 THE COURT: Just out of curiosity, is this the actual book
23 from that time or is it --

24 MR. NELSON: No, it's not.

25 THE COURT: It's a copy?

1 MR. NELSON: It's a copy that we obtained.

2 THE COURT: All right.

3 MR. NELSON: And I believe that's all of it I think at this
4 time.

5 THE COURT: All right. With all those exhibits marked, are
6 you ready to call your first witness now?

7 MR. NELSON: Yes. I had in the list that I had provided to
8 the Court, I had Judy Bishop listed first. I talked to the
9 Bishops this morning, just briefly, before you took the bench,
10 and Mr. Bishop asked if he could testify first, which is fine
11 with me, so.

12 THE COURT: Okay.

13 MR. NELSON: So I'll call Mr. Bishop to the stand, please?

14 THE COURT: Okay.

15 THE COURT OFFICER: Mr. Bishop, sir?

16 THE WITNESS: Thank you.

17 THE COURT OFFICER: Sir, just come right up here and take
18 the witness stand. We just ask that you keep your voice up,
19 sir.

20 THE WITNESS: Can I sit down?

21 THE COURT OFFICER: Yes, sir.

22 THE COURT: You can sit or stand whatever you're

23 comfortable doing. It's really what you prefer doing. It's
24 fine.

25 THE WITNESS: I'll sit.

SAMUEL BISHOP, Previously Sworn

DIRECT EXAMINATION

(BY MR. NELSON)

Q Sir, would you identify yourself to the Court, please?

A Samuel S. Bishop.

Q And will you spell your last name for the court reporter?

A B-i-s-h-o-p.

Q Mr. Bishop, I want to direct your attention back to December of 1986, can you tell us where you were living at that time?

A Forty-six Hollis Avenue, Braintree.

Q In Braintree?

A Yes.

Q And who were you living there with?

A Judith Bishop, Seth Bishop and Amy Bishop.

Q And Judith Bishop was your wife?

A Yes.

Q And Seth and Amy were your son and daughter?

A Yes.

Q How long had you been living at that address as of that date?

A I don't recall.

Q Had you been living there for some period of time?

A Some period of time, yes.

Q And do you have a memory of the events of December the 6th?

1 A Some of them, yes.

2 Q During the morning hours of that date, were you at home?

3 A Yes.

4 Q And were the other members of your family were they also at
5 home?

6 A Just Amy and Seth.

7 Q And do you recall where your wife Judy was?

8 A I'm not sure if she had gone to the barn or where she was
9 at the time.

10 Q And when you say --

11 A She left early I know.

12 Q When you say "gone to the barn," what are you referring to?

13 A I recall that she still had the horse, and she'll have to
14 answer that, but.

15 Q So she used to ride, go riding?

16 A Well, she kept a horse. He was older. She just kept it.

17 Q And where was that horse kept?

18 A I'm not sure because I'm not sure at that time where she
19 was at a barn. I think it was in Quincy but I'm not sure.

20 Q At some point in time in the latter part of the morning,
21 did you end up leaving the house?

22 A Yes, I did.

23 Q And did you go somewhere then?

24 A I went to the Plaza.

25 Q South Shore Plaza?

1 A Yes.

2 Q And did you go there alone?

3 A Yes.

4 Q And at the time that you left the house, who was in the
5 house?

6 A Amy was in the house. I'm not sure if Seth was still
7 there. I think he was. It took me a few minutes to get ready
8 to leave, so I went upstairs, came down and went out. So I
9 don't know what time he left.

10 Q Prior to leaving the house was there an argument between
11 you and Amy at some point in time?

12 A It wasn't an argument. It never rose to that level. But
13 Amy and Seth were sitting in the kitchen. I went in and they
14 were talking. I went in. I reprimanded them about some
15 household chore. I don't even remember what the chore was. It
16 was something about Christmas and watching your things and not
17 throwing them around. And I'm sure I responded. It was
18 resolved. I didn't think anything of it. I went out to go get
19 ready to go to the Plaza.

20 I mentioned that we need them to help. We're coming up on
21 the Christmas season.

22 Q And the words that you had were they with just Amy or with
23 both?

24 A No, both.

25 Q With both?

1 A Amy and Seth were sitting at that table. And when I left,
2 there was no animosity between Amy and Seth. And it didn't -- I
3 noticed in the reports that it was referred to as an argument.
4 Amy in talking to Lieutenant Sullivan said it was a family spat,
5 and in the District Attorney's report they mentioned a
6 disagreement. And I think if you think of any parent
7 reprimanding their child for some chore they didn't do or some
8 responsibility they didn't take, it was at that level.

9 Q When you had these words, did you leave immediately after
10 that or --

11 A No.

12 Q -- did you stay there for a period of time?

13 A No. It took me a few minutes to get ready.

14 Q So sometime after you had these words, you went and got
15 ready to go out and then you left?

16 A Yeah. I just went upstairs and got some things and got my
17 coat. I wasn't -- I wasn't worried about anything. I didn't
18 leave there thinking we had some terrible disagreement. We had
19 resolved an issue, you know, I wanted them to take these chores
20 on, whatever exactly they were. And they probably responded to
21 the affect that well, we have been doing this, and I said well
22 just keep it on target, and it's Christmas and we've got things

23 coming up. And it was resolved and I left.

24 Q And so you went and got changed --

25 A I didn't change. I had to go up and get my coat, get my

1 wallet, get my things and --

2 Q And then you left?

3 A Yeah.

4 Q Do you recall how long you were gone for?

5 A I don't know because I came back, two and a half hours
6 probably, because I came back, the ambulances were there. They
7 just got there and I just came up and the police stopped me on
8 the front lawn.

9 Q So when you arrived back from South Shore Plaza, and is
10 that the only place you went was South Shore Plaza?

11 A Yes.

12 Q And when you get back, the ambulance is there?

13 A I'm pretty sure the ambulance had gotten there by that
14 time, yeah, because when they took Seth out, I wanted to go in
15 the ambulance and I couldn't. So it was right about when
16 everyone else got there and was doing what they were doing.
17 They wouldn't let me in the house.

18 Q When you had this talk with the kids about whatever they
19 weren't doing around the house, do you recall what room that was
20 in? ✓

21 A That was the kitchen.

22 Q In the kitchen?

23 A They were both sitting at the table in the kitchen.

24 MR. NELSON: Could you put up the kitchen?

25 MS. CRAWFORD: Which ones do you want?

1 MR. NELSON: Why don't you put up the first floor, please?

2 Can you blow that up? That's good. Okay.

3 (BY MR. NELSON)

4 Q And, Mr. Bishop, I'd just ask you to look at this diagram
5 that's up on the screen?

6 A (Witness complying.)

7 Q And do you recognize that as a diagram of the house at 46
8 Hollis Ave.?

9 A Yes.

10 Q Do you see that from there?

11 A Yeah. So the table was by the --

12 Q And this is the kitchen?

13 A Yeah.

14 Q I'm going to put up sort of a blow-up of the kitchen, but
15 is this a fair representation of the way the house was laid out?

16 A Yes. I'm a little bit confused though. That must be the
17 on the bottom left what does that say that is, because that --

18 Q This here?

19 A Yeah.

20 Q Was there a stairway that led --

21 A Yes.

22 Q -- into the kitchen from upstairs?

23 A The stairway that came downstairs.

24 Q And where did that lead to on the second floor?

25 A To the back bedroom.

1 Q And whose room was that?

2 A My office and the back room that was Seth's.

3 Q Seth's bedroom?

4 A Yeah.

5 MR. NELSON: Can we put up the kitchen now?

6 (BY MR. NELSON)

7 Q And now this is just a cutout of the kitchen itself with
8 the stairway that leads to the second floor and Seth's room.

9 Now, the table that was located in the kitchen where was that?

10 A It was against the windows.

11 Q To the left of this diagram?

12 A You could sit on the window side and you could sit on the
13 other side and it was the long way.

14 Q And was there a street on this side of the house?

15 A Not on that side, no.

16 Q No. So there would be a street up here?

17 A Yes.

18 Q And then down at the bottom?

19 A No. There was a yard going across and a small house that
20 was part of the property.

21 Q So this back entrance would lead out to Maple Street?

22 A Yes.

23 Q And then the entrance from Hollis Ave. would be to the
24 right?

25 A Yes.

1 Q So the table --

2 A If you lay your pen up against it, I can tell you what
3 angle it was at.

4 Q Like here?

5 A Yes. Pull it up, right there, up and centered on those
6 windows.

7 Q Right up here?

8 A Yeah. Just centered on those windows.

9 Q Okay.

10 A They were on the other side between the windows and the
11 table.

12 Q Okay. And so Amy and Seth were seated at that table?

13 A Yes. Seth was on one end and she was in the middle.

14 Q Okay. Let me show you what's been marked as Exhibit 12,
15 and do you recognize what's shown in that photograph?

16 A Yes.

17 Q And what is that a photograph of?

18 A Of our house at 46 Hollis Avenue.

19 Q And does that photograph fairly represent where the house
20 was in relationship to the streets that were located there?

21 A Yes.

22 Q And the streets, the labeling on the streets says Maple

23 Street and Hollis Ave.; is that correct?

24 A Yes.

25 Q And at the house was there a driveway where you would park

1 your cars or?

2 A It was down this way. There was a small house right here
3 and the driveway was --

4 Q So as you're looking at the house from Hollis Ave.?

5 A It would be the large house. The small house right in
6 between the driveway to the left of the small house, it served
7 the small house and our house.

8 Q It served both?

9 A Yes.

10 Q Okay. Let me show you what's been marked as Exhibit 1, and
11 do you recognize what's shown in that photograph?

12 A Yes. That looks like there's some horse, there's some tack
13 there, but it's the door coming in from the dining room into the
14 kitchen.

15 Q So this doorway -- this doorway here, what is that?

16 A That should be going out the side door.

17 Q So is that the door that led to Maple Street or?

18 A No, towards the house next door.

19 Q All right. So the --

20 A The door on the left is facing Hollis, and that is facing
21 towards the small house and the driveway.

22 Q And how many doorways were there that were leading outside?

23 A Oh, one, two, three, three exits.

24 Q Okay. So there's this one here?

25 A Yup.

1 Q And then there's the one that goes to Maple?

2 A The one on Maple, so just opposite this one is Maple.

3 Q Right. And then there's one that goes to Hollis?

4 A Hollis, yes.

5 Q Through the front door?

6 A Right.

7 Q Okay. And now you said that this doorway here, that's the
8 one that leads to the dining room?

9 A Yes.

10 Q And the table where you say Amy and Seth were seated --

11 A It's out of the scene. It's --

12 Q Right. And would it be to the right or left?

13 A If we went directly across from the stove back out of that
14 picture, it would be here.

15 Q All right. So here?

16 A It's against --

17 Q If I was still in the room, it would be over towards me?

18 A There's one wall going this way in that picture, one wall
19 going that way. They're on this back wall.

20 Q Okay.

21 A I mean it's parallel to the back wall.

22 MR. NELSON: Can I see Exhibit 2?

23 (BY MR. NELSON) --

24 Q I want to show you what's been marked as Exhibit 2. Now,
25 in Exhibit 1 the refrigerator is shown in this?

1 A Yes.

2 Q And then this just goes further over --

3 A Right.

4 Q -- to the other side of the refrigerator?

5 A Yeah.

6 Q And what's that, a doorway that's shown here, what is that?

7 A Well, that's the doorway going upstairs there. I think in
8 that kitchen there were something like four or five doorways.
9 One goes to a panty, one goes to a -- six doorways. Geez. That
10 one --

11 Q So this one here, this is the stairway that leads up to the
12 second floor?

13 A Yes.

14 Q And Seth's bedroom?

15 A Yes.

16 Q Okay.

17 A And I think the table was there to the right.

18 Q Right here?

19 A Yeah. I think that's part of the table there.

20 MR. NELSON: Number 5?

21 (BY MR. NELSON)

22 Q I show you that photograph and this is a photograph of the
23 front of the house?

24 A Yes, it is.

25 Q And this walkway that leads up to the stairs, does that

1 A The one you just pointed to is I believe Seth's room.

2 Q This here?

3 A Yes.

4 Q Okay. And the picture itself is most likely taken from
5 Amy's room?

6 A Well, it looks like it could be right at the doorway,
7 because that was a big linen chest that was against the wall
8 between her bedroom and ours.

9 Q So the relationship between where Amy's room was and Seth's
10 room, they were more or less across the hallway from one
11 another?

12 A The hallway is larger than that, because there's a bathroom
13 entrance, you know, beyond Seth's room there's a bathroom there.
14 It's like a rectangle and then there was Amy's room. So Seth's
15 room goes like this I believe and then the bathroom goes like
16 this and her room goes like this and across the hall is Seth's.
17 But it's not as close as that seems to show it.

18 Q And if this is Seth's room, that stairway that led down to
19 the kitchen, where in this room would that be?

20 A If you went to the right going out of his bedroom, there's
21 a small hallway and there's a door there that can go to his
22 bedroom or another doorway in that small hallway that goes into
23 ~~what was a back bedroom that I used as a study.~~

24 Q And I'll show you what's been marked as Exhibit 24, and
25 that was a photograph that you and your wife brought to court

1 lead out to Hollis?

2 A Hollis Ave.

3 Q And I'm going to show you Exhibit 6. Now, where does that
4 door lead?

5 A That's the back porch. That's the door I showed you was
6 going past the refrigerator. It was going towards the small
7 house and towards the driveway.

8 Q Okay. So this particular doorway doesn't lead out to any
9 particular street?

10 A No, not really. No.

11 Q And if you were, like, the normal day when you would come
12 home and you'd go to the driveway, is that, would this door be
13 more convenient to go to?

14 A Yes. You come across the back of the house, the back of
15 the small house and our backyard and to that door.

16 MR. NELSON: Number 10.

17 (BY MR. NELSON)

18 Q And in this photo that that's been marked as Exhibit 10,
19 what's shown in this photograph?

20 A It's hard to decipher that, but I think we're looking at
21 the second floor hallway towards the stairs that go down, and
22 there's a large glass stained window there that's at a landing

23 as the stairs turn. And it looks like we're looking from I

24 would say Amy's room.

25 Q So this room, this would be --

1 today?

2 A We just wanted the people to know that they're real people.
3 They've been talked about so much.

4 Q And who's shown in that photograph?

5 A Amy and Seth.

6 Q And did you --

7 A This is Halloween the month before the accidental shooting.

8 Q So this is Halloween of 1986?

9 A Yes, it is.

10 Q Now, back in 1986 when you were living at this address, did
11 you have a firearm in the house?

12 A Yes.

13 Q And what type of firearm?

14 A It was a shotgun.

15 Q And do you recall as of 1986, how long had you had that
16 shotgun?

17 A That I'm not sure of. It was bought the preceding year,
18 and it may have been purchased six months into that year or I'm
19 not sure, eight months earlier or somewhere in that vicinity.

20 Q And who in your household, who was it that used the gun?

21 A My son. When we first purchased the shotgun, we went down
22 to the Braintree Rifle and Pistol and we registered the firearm
23 with the police, and we went down there for safety lessons. And
24 I went for two or three of them, but he was in the rifle team in
25 the high school, and they went down there all the time. And

1 there was an established club that they taught safety features,
2 they taught shooting, proper handling and that kind of thing.

3 Q And was that a type of club you would join as a member?

4 A Yes -- yes.

5 Q And so were you a member of the club?

6 A I think I joined with him at that time when we got the
7 weapon, and I think I went two or three times. I never went
8 again. I really wasn't interested in shooting.

9 THE WITNESS: I'm not going to touch it.

10 MR. NELSON: No. That's fine.

11 (BY MR. NELSON)

12 Q But in looking at the rifle that I've placed in front of
13 you is that the same model that you had?

14 A It looks close.

15 Q And do you recall whether --

16 A The magazine is on the mouth like this. I can't testify
17 that this is the exact model but it is similar.

18 Q And do you recall if you had a wooden stock or something
19 similar to this?

20 A I don't remember -- I don't remember. There should be a
21 release somewhere. It might be on the other side of it.

22 There's a release on the other side. That is similar, and the

23 two storage magazine is similar. I can't say it's exactly the
24 same.

25 Q Do you recall the model of the gun that you had?

1 A I think I read in the police report, it was a 500,
2 something like that, a Mossberg 500.

3 Q Where in the house did you keep the gun?

4 A The gun was kept in the closet. It was kept in the back of
5 the closet and the only time it came out was when Seth was
6 planning to go shooting. I kept the shells in one of the
7 bureaus. I don't remember which one it was.

8 Q So the closet that you kept it in --

9 A In the bedroom.

10 Q In your bedroom?

11 A Yes, in its case.

12 Q And it had a case?

13 A Yeah.

14 Q Was it different than --

15 A I don't recall that.

16 Q And was it a soft case or a hard case?

17 A No. It was a soft one.

18 Q A soft one. And so you kept the gun --

19 A In the back of the closet.

20 Q In the back of the closet. And you kept the ammunition for
21 it?

22 A It was either in her bureau or my bureau. I'm not sure
23 which.

24 Q Okay. And is it your testimony then that the only time it
25 came out was --

1 A When Seth --

2 Q -- when Seth went to the Rifle Club to use it?

3 A Yes.

4 Q And you, yourself, did you ever use it?

5 A When we first got it. When we went down to Braintree, the
6 shooting range and the club and I had to go through an
7 orientation myself. And I had to do some things and learning
8 about this and that, but and I may have gone a couple of times
9 after that, but that was it. I wasn't interested in shooting.
10 I had it for the protection.

11 Q Now, other than Seth, did either your wife Judy or Amy, did
12 you ever see them with the gun in their hands?

13 A No. She had no interest in it whatsoever.

14 Q And when you say "she" who are you referring to?

15 A Amy.

16 Q So she had no interest in the gun at all?

17 A No. And I never really touched it either.

18 Q And after you had purchased the gun and brought it back to
19 the house, did you have any discussions with the family as to
20 not touching it or anything like that?

21 A Yes. It was a difficult discussion before we got the
22 weapon. I mean my wife resisted strongly. And I might just to

23 ~~give this context, preface it with the year before we had a~~
24 robbery in the house. And the place was ravaged, everything was
25 taken when we came back from my father's wake and the door was

1 open, the windows were open and I go in there and the whole
2 place had been violated, everything. They took things from the
3 kids' room in their pillowcases. They took important mementos
4 of the family. I remember my wife broke down in tears. I had
5 to keep them in the kitchen because we didn't know if the
6 burglars were still there. I called the police, they came, they
7 sent one officer. So I went through with him. He said we had
8 to go through each square and check everything. So we did.
9 They were in the other room. My daughter and son were terrified
10 and we came back. We were all disturbed and all upset but both
11 Seth and Amy were terribly upset, and Amy in particular. I mean
12 she was traumatized. I don't think she trusted that house ever
13 again after that.

14 Q And how long prior to this was that?

15 A This was the year before it, because my father's wake was I
16 think the 11th of August, August 11th.

17 Q Of '85?

18 A Eighty-five.

19 Q And that was prior to you purchasing the gun?

20 A That was prior, yes.

21 Q So at the time of the break-in at the house --

22 A The break-in and robbery.

23 Q -- you didn't have a gun at that point?

24 A No.

25 Q And after you purchased the gun and you spoke to --

1 A Well, I did have a small target pistol. I believe it was a
2 22.

3 Q And how long did you have that for?

4 A I had that for years I think as I recall it to the best of
5 my recollection.

6 Q At the time of -- at the time that this incident took place
7 back in December of '86, did you still have that pistol at that
8 time?

9 A No, because it was taken in the same robbery.

10 Q All right. So that was stolen in the robbery?

11 A Yes.

12 Q Okay.

13 A It was a target pistol. It was a 22.

14 Q So after you purchased the gun, did you have a discussion
15 with the family about the gun, were there any rules that you put
16 forth regarding the gun?

17 A Nobody was to go into the closet to get that weapon. It
18 did have a lock. I don't recall whether I locked it or not, but
19 it was in a bedroom closet that could be locked. And over time,
20 Seth was pretty much an expert on that weapon. He had been
21 firing for a year, year and a half, but with other weapons at
22 the Braintree Rifle Club. And so I think we may have got it
23 ~~within six months I think of December 6th, because he became~~
24 very interested in using it and learning how to use it. I don't
25 know if he was interested in going hunting or what, but he had,

1 you know, he'd go on spurts and shoot. So that would be the
2 only time it would be out.

3 Q And was he allowed, Seth, was he allowed to go in your room
4 and get the gun if he needed it?

5 A Not without telling me, but I may have gotten lax and let
6 him do that. I'm not sure.

7 Q And you indicated that Amy had no desire --

8 A None whatsoever.

9 Q -- to use it at all?

10 A No. Not only that, she didn't know the first thing about
11 the weapon. And she didn't know the first thing about almost
12 anything mechanical. I mean even to this day she needs help
13 getting her mail off the telephone or working something. She's
14 brilliant in a number of areas but that isn't one of them.

15 Q Back in December of 1986, were both of your children in
16 school?

17 A Yes.

18 Q And do you recall where they were in school at that time?

19 A At Northeastern University.

20 Q Both of them?

21 A I believe Seth was in his first year I believe, my wife may
22 have to correct me, but I'm pretty sure he was in his first year
23 and she was in her second or third year.

24 Q And when they went to Northeastern, they commuted or did
25 they stay over?

1 A Amy stayed there and I think Seth commuted because that was
2 his first year I believe. I'm not absolutely sure about that
3 you'll have to ask my wife.

4 Q As she was growing up any problems with Amy?

5 A No.

6 Q None at all?

7 A No.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q So after she graduated from Northeastern, she went to
14 Harvard?

15 A Yes. And she loved her children, took care of her children
16 made sure they had music lessons; whether her husband liked it
17 or not, got their teeth taken care of; got everything she could
18 for her family. She was totally family oriented, and she was
19 family oriented when she was with us.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q Now the date that this happens on December 6th, we've gone
24 through where to the point where you leave, you go to South
25 Shore Plaza. You're there for a couple of hours and you come

1 back and then there's an ambulance and the ambulance --

2 A I want to stress the point that I wouldn't have left if I
3 was worried about any animosity remaining between even Amy and
4 I.

5 Q Right.

6 A Because we clarified that. They had their side and I had
7 my side. And it was a silly thing about some responsibilities
8 for chores coming up on Christmas.

9 MR. NELSON: Could you just put up the aerial of the house?

10 (BY MR. NELSON)

11 Q And, Mr. Bishop, now when you come back from South Shore
12 Plaza, you again park in your park, the --

13 A No. I pulled up on the curb there near the corner because
14 everything else was --

15 Q Up here?

16 A A little bit further down.

17 Q Down Maple or?

18 A No -- no, towards Hollis.

19 Q This way?

20 A There you go. I didn't get that far down because there was
21 an ambulance there at our house.

22 Q Okay. So the ambulance is parked down here?

23 A Somewhere in that area. I parked behind it and I walked
24 diagonally across the lawn towards the house, and I was stopped.

25 Q And just one ambulance?

1 A I, you know, my focus was on the house and what was going
2 on inside. I don't even remember the ambulance but I assume it
3 was there because when they took Seth out and they were going to
4 go to the hospital, I wanted to get in the ambulance. So it had
5 to be right there somewhere.

6 Q And at the time there's an ambulance there, do you notice
7 whether or not there's any police cars in the area?

8 A There was a lot of turmoil. I imagine there were. I can't
9 recall as of now.

10 Q And fair to say this was before cell phones?

11 A Yes.

12 Q So when you arrive at the house, that's the first you know

13 --

14 A That's the first time I know.

15 Q -- that there's something going on in the house?

16 A Yes.

17 Q So now, when you park your car in that area and you then
18 proceed into the house?

19 A I got out because I saw what was going on, and obviously,
20 something had happened. I wondered what happened. I approached
21 diagonally from that corner to the house. Someone had come down
22 the steps and stopped me. And I said who I was and I wanted to
23 go in and they wouldn't let me in. And they had already taken
24 Seth out I guess behind him, but I'm not sure when but just
25 about that time.

1 Q So when you arrived there and the person stops you -- Well,
2 first of all, if you come up -- if you come up to this part of
3 the house, is the kitchen in the back part of the house?

4 A Yes.

5 Q And so a person stops you out here?

6 A I remained on the lawn. I never got to the walkway.

7 Q Okay. At any point in time did you see Seth?

8 A No, I don't. I don't know that he had already come out or
9 was coming out. I'm just vague on that. I don't recall but I
10 didn't see Seth until the hospital.

11 Q Okay. And so the ambulance is still there?

12 A Yeah.

13 Q Do you recall leaving at any point in time after?

14 A They left. That's one of the problems, I wanted to get in,
15 they left and the policeman told me he would take me. You know
16 for a while I thought I drove there because I sat in his front
17 seat. I remember following the ambulance as if I was driving
18 down the road but in fact one of the officers drove me there
19 following the ambulance.

20 Q Okay. So do you recall if the ambulance leaves as you're
21 walking up to the front door or?

22 A I don't think so, no. No.

23 Q But you don't see them bring Seth out to the ambulance?

24 A I don't recall that -- I don't recall that. I think I
25 would remember that but he either had come out or was in the

1 process of coming out. It couldn't have been too long because
2 they didn't wait long at that curb.

3 Q While you're at the house and before you indicated that a
4 police officer eventually drives you to the hospital?

5 A Yes.

6 Q And that's where you see Seth?

7 A Well, I didn't see him right away. They stopped me and I
8 had to fill out forms and all kinds of things. He came by on a
9 gurney and I wanted to leave to see him, but he looked at me.
10 Now, they keep saying he was dead but he didn't seem dead to me.
11 He looked at me. His head went like this and he looked at me.
12 I wanted to go to him and they stopped me. They wanted me to
13 finish the stuff. It was important. They were going into the
14 operating room and that's what happened.

15 Q When you say he looked at you, were any words spoken?

16 A No. He just was laying on the gurney from here to that
17 back wall. He came by. I was sitting at a desk here answering
18 questions, and his head was turned this way and I could see him
19 and his face.

20 Q When you arrive at the house --

21 A Yeah.

22 Q -- you are going to be taken down to the hospital by the
23 police officer.

24 A Right.

25 Q Did you ever make it into the house?

1 A No.

2 Q So you were stopped at the front door --

3 A Yes.

4 Q -- or out on the grass?

5 A Out on the lawn, yeah.

6 Q And then taken to the hospital from there?

7 A Yes.

8 Q When you got back to the house, did you ever see your wife
9 at any point in time?

10 A Well, at the hospital, I was put in a room. I was there
11 maybe 15-20 minutes because they put me in a room while they
12 were working on him in the operating room and --

13 Q Was your wife down at the hospital?

14 A No. She wasn't at the hospital. She was at the police
15 station. And then so the police came in to talk to me, and I
16 didn't want to talk to them. I wanted to see my son. And so
17 they took me down to the operating room and I saw him on the
18 table with tubes coming out. I asked them to take the tubes
19 out. I tried to deal with it and then I spoke to the doctor. I
20 wanted to know what happened, why they couldn't save him and
21 then I asked to be alone with him for a certain amount of time,
22 five or six minutes.

23 Q When you were being transported to the hospital --

24 A Yes.

25 Q -- did the police officer tell you what had happened?

1 A I wasn't in any shape to listen or hear anything.

2 Q So when you arrive at the hospital, you don't know what's
3 happened at that point?

4 A No. I know that something's happened. I'm not sure what
5 but I know that he's been shot, but I don't now exactly what his
6 state is. I was told that he was very bad.

7 Q And at the time that you're at the house, you never see
8 Amy?

9 A No -- no.

10 MR. NELSON: May I have just one moment? I have no further
11 questions for Mr. Bishop.

12 THE COURT: You can step down, Mr. Bishop. You're all set.

13 THE WITNESS: Can I just say one other thing in
14 relationship or background context?

15 I think the robbery was very important and nobody ever
16 asked her why she kept saying I'm afraid of a robber coming in
17 the house. But that robbery was traumatic for her.

18 The other thing that nobody looked at a timeline to see
19 that she was sitting in that Victorian house, that big house by
20 herself for close to two and a half hours and she was afraid.
21 And she made a terrible mistake in acting on that fear. But
22 it's my view once she found that she was in a dilemma that her

23 total intent was to disarm that weapon. And that's what she
24 spent her time on, especially after that shot. The fact that
25 she was in that house for that long and the robbery I think was

1 never taken into account.

2 REDIRECT EXAMINATION

3 (BY MR. NELSON)

4 Q Regarding the weapon that you kept in the closet. When you
5 kept it in the closet was it kept there, was it loaded or
6 unloaded?

7 A Unloaded, always unloaded.

8 Q It was always unloaded?

9 A Always unloaded, yeah.

10 MR. NELSON: Okay. Thank you.

11 THE COURT: Well, let me just ask you one question.

12 DIRECT EXAMINATION

13 (BY THE COURT)

14 Q If she was so -- the robbery occurred August of '85;
15 correct?

16 A Yes.

17

18

19

20

21

22

23

24

25 Q Okay.

1 MR. NELSON: Just a follow-up on that?

2 REDIRECT EXAMINATION

3 (BY MR. NELSON)

4 Q Regarding the rifle, even though she was traumatized, you
5 said that Amy was traumatized by this breaking and entering and
6 the robbery of the house. After you got the rifle, she still
7 never showed any interest --

8 A No.

9 Q -- in wanting to learn how to use the rifle; right?

10 A No.

11 MR. NELSON: Thank you.

12 THE COURT: You can have a seat. Thank you, Mr. Bishop.

13 (Witness excused.)

14 MR. NELSON: I'll call Judith Bishop.

15 THE COURT OFFICER: Take your time. You can sit or stand
16 whichever you prefer.

17 THE WITNESS: I'll sit.

18 THE COURT OFFICER: Okay.

19 THE COURT: Good morning.

20 THE WITNESS: Good morning.

21 JUDITH BISHOP, Previously Sworn

22 DIRECT EXAMINATION

23 (BY MR. NELSON)

24 Q Would you identify yourself for the Court, please?

25 A I'm Judith Bishop.

1 Q And Mrs. Bishop, would it be fair to say you were here for
2 the testimony of your husband, Samuel?

3 A Yes.

4 Q So I won't go over a lot of the same questions as far as
5 identifying the house and things of that nature.

6 A Okay.

7 Q You were in the house back on December 6th of 1986?

8 A Yes, I was.

9 Q And in the morning hours when you were there, who was
10 present besides yourself?

11 A I left the house at about six in the morning, and I was
12 gone until two o'clock, two-fifteen.

13 Q And where did you go?

14 A I went to shovel, clean a horse stall and take care of my
15 horse.

16 Q And where is that located?

17 A At the time, I'm trying to think because I was constantly
18 moving him to find a cheaper place, but I think that he was
19 either in Quincy or he was in Milton at the time.

20 Q And I'm showing you what's been marked as Exhibit 1.

21 A Uh-huh.

22 Q And the items that are sort of hanging off the door --

23 A Uh-huh.

24 Q -- are those items that you used in your riding?

25 A This was his harness. He could be driven. He had a little

1 cart and this was his harness. You'd have to keep oiling it
2 every month or two, and it had been oiled and I would just hang
3 it over the door to --

4 Q But those items are riding --

5 A That's horse stuff, yeah.

6 Q Okay. And besides riding horses, did you have any pets
7 around the house, dogs, cats?

8 A We had a cat.

9 Q And would the cat would that stay inside most of the time
10 or outside?

11 A We wanted her to stay in, but she would get out.

12 Q When you left the house at six, around 6:00 a.m. --

13 A Uh-huh.

14 Q -- was anyone in the house up at that time?

15 A Nope.

16 Q Just you. And then you came back you said around two?

17 A Yeah.

18 Q And when you came back at two, who was present at the
19 house?

20 A I pulled into the driveway and Seth pulled in right behind
21 me. And he had a bunch of grocery bags in the car, and I helped
22 him lug them back into the house.

23 Q Now, when you say "pulled into the driveway" that's the
24 driveway that your husband described --

25 A Uh-huh.

1 Q -- that's in between your house --

2 A Yes.

3 Q -- and that other house?

4 A Well, it's on the far side of the small house.

5 Q All right.

6 A The house is a large Victorian and then the man that built
7 it in 1887 was a dentist and he built his office right next
8 door. So it was built as a dentist office but then converted
9 into a house for people to live in several years before we
10 bought the house.

11 Q So now, when you come in at approximately 2:00 p.m.?

12 A Uh-huh.

13 Q And Seth's there and you have groceries to bring in the
14 house?

15 A Yeah. We just had bags under our arms and.

16 Q And which entrance do you use going into the house?

17 A The one through the small house, that side door into the
18 kitchen, the one that I pointed out to the other small house and
19 the garage.

20 Q I'm going to show you what's been marked as Exhibit 6.

21 A Uh-huh.

22 Q And that would be the doorway that you went to --

23 A Yes.

24 Q -- with the groceries?

25 A Yup.

1 Q And when you go inside of this doorway, where does that
2 lead to?

3 A Right smack dab into the kitchen.

4 Q Okay. And when you pull up, when you arrive and go to this
5 door, it's not locked at all?

6 A No.

7 Q And any of the doors that led out of the house would you
8 normally keep locked?

9 A Yes. We tried. I mean there were kids coming in and out
10 all the time, their friends and they had the door open. They
11 could just come in and come upstairs, just do this, do that. I
12 tried to keep the house locked but it was not locked.

13 Q All right. So when you arrived at this doorway with the
14 groceries and Seth's with you --

15 A Uh-huh.

16 Q -- you go into the kitchen then?

17 A Yeah.

18 Q And do you help put the groceries away?

19 A We didn't even get a chance. We barely got them. I still
20 had a bag of groceries in my hands and he had put his down on
21 the counter when Amy came through the door.

22 Q And when she came through the door, what door did she come
23 through?

24 A The dining room door.

25 MR. NELSON: Can you put up the diagram of the first floor?

1 (BY MR. NELSON)

2 Q And this is the kitchen here; correct?

3 A Yeah.

4 Q And this is the dining room area?

5 A No. The dining room is --

6 Q Further down?

7 A Yeah. There's something wrong with that diagram. It isn't
8 very good.

9 Q Okay. So this room here --

10 A That room is --

11 Q -- that's a separate room from the dining room?

12 A That's a room that I don't recognize at all.

13 MR. BISHOP: Can I answer that?

14 MR. NELSON: No.

15 (BY MR. NELSON)

16 A Because you would go into the dining room.

17 Q Okay. So this doorway --

18 A Uh-huh.

19 Q -- would be from the dining room into the kitchen?

20 A Yes.

21 Q Okay.

22 A I guess it looks too long to me. I don't know. I can't

23 really -- it's been a while.

24 Q Going back to this photograph that I showed you before --

25 A I know. I see what's wrong, but.

1 Q -- Number 1?

2 A I know what I see is wrong.

3 Q Okay.

4 A The door, the dining room door is like three feet from the
5 other door, the door going out.

6 Q Okay. In Exhibit Number 1 that shows the dining room door?

7 A Yes.

8 Q Okay.

9 A And the door going out.

10 Q All right. So this -- excuse me, this photograph here,
11 what I'm pointing to here, that's the dining room?

12 A Yup.

13 Q Okay. And is that the door that you came in?

14 A Yes, but see how close together they are? They're right
15 close together and then there's a cellar door that comes out
16 right as you come in the back door, there's a cellar door right
17 here. So there were like three doors that were all jammed
18 together right there.

19 Q Okay. So when you come in through this door and you've got
20 the groceries --

21 A Uh-huh.

22 Q -- and Seth went and put the groceries down somewhere?

23 A He put some on the counter. I was putting them on the
24 counter also.

25 Q And the counter, where is that?

1 A See where the stove is? It's the wall --

2 Q A little further down?

3 A Yes.

4 Q And is it after you put the groceries down on the counter
5 that you then see --

6 A Yeah.

7 Q -- Amy? And when you see Amy, is she carrying anything at
8 that time?

9 A / Yes. She was carrying the shotgun and said "Help me unload
10 this."

11 Q So she comes through the door and says, "Seth, help me
12 unload this"?

13 A Uh-huh.

14 Q And what does Seth do then?

15 A He went to reach for it. I mean he put his hands up to
16 reach for it, and I said "Don't point it at anyone" and she
17 turned and it fired. Her hand was not on the trigger. Her hand
18 was -- she had a hand on the barrel part and a hand on the
19 stock. She didn't even have her hand on the trigger. She
20 turned and it discharged.

21 Q So is she still in that doorway?

22 A She had just come through the doorway.

23 Q And you were between her and Seth?

24 A No. I'm beside Seth. He's beside the stove and I'm to his
25 right. We're standing almost side-by-side. That gun rifle,

1 that gun barrel went right past me and over to him and fired.

2 Q When you first see her --

3 A I wish it had hit me instead.

4 Q When you first see her and she's carrying the rifle, how is
5 she holding the rifle?

6 A She had her hand on the barrel and she had a hand on the
7 stock and she was holding it like this.

8 Q And so if this were the rifle, all right, and she has one
9 hand here --

10 A Yes.

11 Q -- and one hand down here?

12 A Up closer than that, like, just about like that.

13 Q Like that?

14 A Yeah.

15 Q And is she holding it similar to this?

16 A Yes.

17 Q Or does she have it pointed just like this?

18 A She held it like that.

19 Q All right.

20 A And then she turned --

21 Q So then she turned --

22 A -- the barrel went right by me and turned to him and turned
23 it and it discharged.

24 Q So as she's turning with it, as she's turning with it, like
25 this motion --

1 A Uh-huh.

2 Q -- it goes by where you're standing?

3 A Yes.

4 Q And when it gets to the location where --

5 A Yes.

6 Q -- where Seth is, that's when it goes off and it hits Seth?

7 A Yes.

8 Q And does he fall there?

9 A Yes.

10 Q I show you Exhibit 11 and can you recognize what's shown in
11 that photograph?

12 A I can't say really where this is. Let me look up there
13 maybe it's clearer.

14 Q Is it clearer up here? Do you see this door that's open
15 here; do you recognize what that is?

16 A Oh, it must be the pantry door. That kitchen had seven
17 doors coming out of it.

18 Q Well, do you see the shoes that are located there?

19 A Yes.

20 Q Let me show you what's marked as Exhibit 4 maybe that will
21 help you orient yourself as to this photograph. Do you see the
22 shoes in that photograph as well?

23 A Yes -- yes.

24 Q All right. So does that help you in recognizing where this
25 is?

1 A Yes.

2 Q And where is that?

3 A It looks like it's in front of the stove.

4 Q Okay.

5 MR. NELSON: And can you put up number 3?

6 Are you all right? Do want a cup of water?

7 THE WITNESS: No.

8 (BY MR. NELSON)

9 Q Showing you what's marked as Exhibit 3, do you recognize
10 what's shown in that photograph?

11 A I guess it must be where Seth fell.

12 Q So this area right here is where he fell?

13 A Yes.

14 Q And that would be in front of the stove area; correct?

15 A Yes.

16 Q At the time that Amy was turning with the gun and it goes
17 by you and then it fires and Seth gets hit, how far is Amy from
18 Seth?

19 A Three feet, two feet, very close, very, very close.

20 Q And there was an indication that at that time Amy was
21 wearing some type of a jacket. Do you recall?

22 A I don't know. They both wore those dungaree jackets, you
23 know, that's all I know. She used to wear that a lot.

24 Q All right. And was that something that she would wear
25 around the house?

1 A Yes, because we had a very drafty house.

2 Q So it would not be unusual for her to wear that around the
3 house?

4 A Oh, heck no.

5 Q After the gun goes off, did you hear or did Seth say
6 anything?

7 A Yes, he did. He said "Oh no, Mom."

8 Q And did you say anything then?

9 A I said -- I was just screaming I think. I don't know.

10 Q After Seth was struck, did he fall immediately to the
11 ground?

12 A (Witness shaking head "yes.")

13 Q Yes?

14 A Yes. The blood was just -- It just came in a wave. My
15 shoes were full of blood; my hair was full of blood.

16 Q And when this happens what was Amy's reaction when this
17 happened?

18 A She was right in front of him. She ran out the door and
19 called for Debbie next door. Debbie is a nurse. I heard her
20 calling "Debbie "Debbie" and she wasn't home. So she wandered
21 off down the street.

22 Q When she ran out of the house, did she still have the gun
23 with her?

24 A Yes.

25 THE COURT: Here's some water.

1 THE WITNESS: Thank you. I'm sorry.

2 THE COURT: That's all right.

3 (BY MR. NELSON)

4 Q Now, do you bend down to help Seth?

5 A I called 9-1-1.

6 Q And the phone that's -- Where is there a phone in the
7 house?

8 A Right there, right where the back door is, where you see
9 you go out the back door, the dining room. It was right on the
10 wall right there.

11 Q So by the door that you had just come in?

12 A Yes.

13 Q All right. So there's a phone there on the wall?

14 A Yes.

15 Q And you called 9-1-1?

16 A Yes.

17 Q When Seth fell, do you recall does he fall down on his back
18 or on his front?

19 A No. He fell on his face.

20 Q Straight, so the chest area where he's struck that's
21 against the ground; he fell forward?

22 A Yes.

23 Q You call 9-1-1 and then what do you do?

24 A I keep begging them to come. It seemed like they didn't
25 come for the longest, longest time.

1 Q So you stay on the phone with someone?

2 A Yes.

3 Q Okay. And are you able to, do you look outside to see if
4 you can see Amy at all?

5 A No. She's gone on past the small house.

6 Q All right. Did you see which direction she ran?

7 A I would have gone to get her but I couldn't leave him
8 alone.

9 Q Did you see what direction she had run to?

10 A She didn't pass the house, so she went toward Washington
11 Street. And she had gone past, Debbie lives in the small house,
12 and she had gone by. Then I called for Debbie and she wasn't
13 home.

14 MR. NELSON: Put up 13.

15 (BY MR. NELSON)

16 Q I just want to ask you if you would look at the photograph
17 that's up on the screen there, and I'm going to give you a copy
18 of it. This is Exhibit 13.

19 A Okay.

20 Q And see this little highlighted circle at the bottom?

21 A Yeah.

22 Q And do you recognize that as being your house or the house
23 that you were living in --

24 A Yes.

25 Q -- at that time on Hollis Ave.?

1 A Yes.

2 Q And the smaller house that you were talking about, is that
3 shown in that?

4 A Huh?

5 Q There was another house that you shared the driveway with?

6 A Yes, it was the little house that was a dentist office.

7 Q And is that shown in that photograph?

8 A I don't see it.

9 Q You don't see it?

10 A There's a huge beech tree. I mean a beech tree that
11 probably is obscuring it.

12 Q Do you see next to that circle --

13 A Yeah.

14 Q -- there's a house there?

15 A Yup.

16 Q Is that the house you're referring to?

17 A Yes.

18 Q And so you say that Amy had run in the direction of that
19 house?

20 A Yes.

21 Q And then passed it?

22 A Passed it and went on down the street.

23 Q All right. Running in the direction of Washington Street?

24 A Yes.

25 Q And at that time she had the rifle with her?

1 A Yes.

2 Q Now, did you stay on the phone until the ambulance arrives?

3 A I stayed on the phone -- I stayed on the phone and I ran to
4 the front door to make sure it was unlocked and when I got to
5 the door, they were coming up the steps. So I just opened the
6 door, the front door.

7 Q And can you, I know it's been a long time, estimate how
8 long that took?

9 A It seemed like forever but I don't really know.

10 Q Okay.

11 A But it seemed like forever. I kept saying "please," you
12 know "please."

13 Q After that initial time that you said you heard Seth say
14 something --

15 A Yeah.

16 Q -- did you hear him say anything else?

17 A No. He moaned and he groaned.

18 Q But no words that were discernible to you?

19 A No.

20 Q And when the ambulance arrives, they come to the front door
21 area of the house?

22 A Yes.

23 Q And then you bring them into the kitchen area?

24 A Yes. The police came first.

25 Q So there are police officers that arrive first?

1 A Yes.

2 Q And do they go to attend to Seth?

3 A Yes. And then they go back and get the ambulance people.

4 Q And when the ambulance people are there, do you --

5 A They took me into the living room. They wouldn't let me
6 stay in the kitchen while they worked on him. They put those
7 things you blow up to keep pressure on his legs and arms. And I
8 was just so upset; they took me into the other room.

9 Q So there was a period of time then that the EMTs are
10 working on Seth --

11 A Yes.

12 Q -- at the house?

13 A Yes.

14 Q And in that photograph that I had shown you earlier those
15 --

16 THE WITNESS: Maybe I have it.

17 MR. NELSON: You might have it there.

18 (BY MR. NELSON)

19 Q In Exhibit 4, the boots that are shown here, do you know
20 whose those are?

21 A Gee, I don't know. They could be anybody's.

22 Q So you don't know whether those were the boots that Seth
23 was -- if he was wearing those boots or not?

24 A I don't think so. Well, I don't know. I don't think so.
25 He didn't usually -- He usually wore sneakers.

1 Q And he didn't have time to take anything off his feet
2 before Amy came in --

3 A No.

4 Q -- into the room that day?

5 A No. Oh, no. No, not at all.

6 Q And so do you remain in the living room then until they
7 take Seth out of the house?

8 A I was in the living room when they wheeled him past the
9 living room door.

10 Q And while you're in the living room are there police
11 officers talking to you at that time or anything like that?

12 A Someone was sitting with me.

13 Q And were they questioning you at all at that time?

14 A No.

15 Q Just staying with you?

16 A Yes.

17 Q So they then take Seth out of the --

18 A Yes.

19 Q -- house altogether?

20 A And I wanted to go to the hospital but one of the officers,
21 I don't know which one it was, said that they had found Amy and
22 taken her to the police station and that I should probably go to
23 the police station instead of going to the hospital. So I went

24 to the police station.

25 Q And so you're then taken to the police station by a police

1 officer?

2 A Yes.

3 Q Do you recall who that was?

4 A I don't know. Officer Finn was very -- it might have -- I
5 don't think so. I think it was, maybe it was Brady. I don't
6 know -- I don't know which one it was. I think it was Brady.
7 If it wasn't Brady, I don't know.

8 Q So when you arrive at the police station, was Amy there?

9 A I came in the door and I said to them "Where is she? Is
10 she all right? Is she all right?" Officer Brady said that she
11 was in one of the side rooms or something, and he opened the
12 door and she was sitting in there. And she seemed to be all
13 right.

14 Q And were there police officers that were questioning her
15 then?

16 A Yeah. It looked like it.

17 Q And did you say anything then?

18 A See, I don't remember saying anything, but I certainly if I
19 was in my right mind I would have said something, so maybe I
20 did.

21 Q And do you recall telling her not to say anything?

22 A I might have done that. I don't -- I don't recall talking
23 to her at all, but it's something I would have done just --

24 Q When you are at the police station, do you recall asking to
25 see anyone at the police station?

1 A No.

2 Q Do you ever ask to see the Chief?

3 A No.

4 Q Or any of the detectives?

5 A No. I was -- I was -- I wasn't in my right mind. I
6 remember up until Seth hit the floor, but beyond that I remember
7 some things but not a lot. I was just -- there was so much
8 blood I wasn't sure he could live, and I did ask people when
9 they came out if they could call the hospital and find out if
10 Seth was all right or not, but I don't know. And Otis B. Oben,
11 Jr. and his wife, Muriel, were there with me and we just stood
12 there and waited.

13 Q So you don't recall or have a memory of ever asking to see
14 the Chief?

15 A No.

16 Q Did you know the Chief at that time?

17 A I knew of the Chief. I mean I knew who was the Chief. We
18 lived in Braintree for 20 years before this happened and then we
19 lived in Braintree 10 years after this happened. I was a town
20 meeting member. I knew people from town meeting and things like
21 that.

22 Q And had you ever spoken to the Chief before?

23 A Probably at the town meeting or if a police budget was
24 coming up or something, but.

25 Q How long did you remain at the police station?

1 A I'm going to say about an hour and a half.

2 Q And when you left the police station, did Amy leave with
3 you?

4 A Amy left when Sam came back came, came in and told me that
5 Seth had died. And we stood there for a few more minutes, Obey
6 and his wife and us and we just stood there and then they
7 finally brought her out and we left.

8 Q So your husband had he come to the police station?

9 A Yes.

10 Q So you all left together?

11 A Yes.

12 Q And how far is the police station from where your home was
13 located then?

14 A I'm no good at that kind of thing, but two miles, three
15 miles, two miles, three miles. It was real close.

16 Q The rifle that Amy had when she came into the kitchen that
17 day, you had seen that before?

18 A Yeah. I had seen that before.

19 Q Had you ever seen Amy with it before?

20 A No.

21 Q Had she ever expressed an interest to you in wanting to
22 learn how to use the rifle?

23 A No.

24 Q Had you yourself ever used it?

25 A No.

1 Q And did you ever see it again after that date?

2 A No.

3 Q So it was never returned to you?

4 A No.

5 Q Did you know what happened with it?

6 A I think it was Bill Finn who called and asked us several
7 months later if we wanted it back. And I said "No." And he
8 said could he have it, and I said "Yes."

9 Q And he's one of the Braintree Police Officers?

10 A Yes. I never wanted to see that gun again. I didn't want
11 to see it in the first place.

12 MR. NELSON: Exhibit 8.

13 (BY MR. NELSON)

14 Q I'm going to show you what's been marked as Exhibit 8, and
15 do you recognize what's shown in that photograph?

16 A Yes.

17 Q And what is that a photograph of?

18 A Amy's room.

19 Q And that's the way it looked back in December of '86?

20 A Yes.

21 MR. NELSON: Exhibit 9.

22 (BY MR. NELSON)

23 Q Is that another photograph of Amy's room?

24 A Yup.

25 Q Okay. And that's the floor next to the bed?

1 A Yes.

2 Q And then Exhibit 7 if you recognize it, is that the bed in
3 Amy's room?

4 A I guess so, yes.

5 Q And you didn't see it with any -- In the condition it is
6 now you never made observations of it looking like that, did
7 you, with shotgun shells on the bed?

8 A No.

9 Q There had been some indication that the firearm had been
10 discharged in Amy's room sometime earlier in the day. Did you
11 hear that?

12 A No. I wasn't -- I came in -- when I came in she was
13 already coming down the stairs.

14 Q So when you come into the house, she's already down on the
15 first floor?

16 A I don't think she was on the first floor. I think she came
17 down the stairs as we were coming and she heard us coming in.
18 I'm sure and came down the front stairs. Because we had already
19 gone in to put groceries down and she came through the door.

20 Q And to come in through that door that she, where she came
21 into the kitchen, through that dining room door --

22 A Uh-huh.

23 Q She would have come down the front stairs --

24 A Yup.

25 Q -- that were more towards the front of the house?

1 A Yup.

2 Q Rather than the stairs that came directly to the kitchen
3 from Seth's room?

4 A Oh, yeah. No. She didn't come down them. She didn't come
5 down those. She came down from the front. She never used those
6 stairs.

7 Q So the ones from the bedroom --

8 A The back -- the back set of stairs.

9 Q And after the gun goes off and Amy's leaves the house, she
10 leaves through that door that you had just come in --

11 A Uh-huh.

12 Q -- with the groceries?

13 A Uh-huh.

14 MR. NELSON: I have nothing further, your Honor.

15 THE COURT: I don't have any questions. You can take a
16 seat, please. You're all set.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 THE COURT: Do you want to call a witness or do you want to
20 take a recess now? What's your pleasure, Mr. Nelson?

21 MR. NELSON: We can take a break and then I can --

22 THE COURT: Okay. Ten minutes?

23 MR. NELSON: Yeah. That's fine.

24 THE COURT: Okay. Ten minutes, please?

25 THE COURT OFFICER: Yes, sir.

1 (Court recessed at 10:56 a.m.)

2 (Court reconvened at 11:16 a.m.)

3 THE COURT: All right. Before we begin, I'm told by the
4 court officer that the Bishops have chosen to leave; is that
5 correct, Mr. Stevens?

6 MR. STEVENS: Yes.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 MR. NELSON: That's fine.

16 THE COURT: Okay. All right. Would you like to call your
17 next witness, please?

18 MR. NELSON: Richard Jordan.

19 THE COURT OFFICER: Richard Jordan, please? Would you take
20 the stand please? You may sit or stand, whichever you prefer.

21 THE WITNESS: I'll sit.

22 THE COURT: Now, it would be helpful to me, Mr. Nelson, if
23 as you call these officers if they have, and I know you've
24 provided me with a number of reports --

25 MR. NELSON: Yes.

1 THE COURT: -- if there is a written report, if you could
2 just point me to that as you call the witnesses?

3 MR. NELSON: I will.

4 THE COURT: Okay.

5 RICHARD JORDAN, Previously Sworn

6 DIRECT EXAMINATION

7 (BY MR. NELSON)

8 Q Sir, would you identify yourself for the Court, please?

9 A Richard Jordan.

10 Q And, Mr. Jordan, I want to direct your attention to 1986,
11 December of 1986, can you tell us how you were employed at that
12 time?

13 A As a patrolman of the Braintree Police Department.

14 Q And at that point in time, how long had you been a member
15 of the Braintree Police Department?

16 A About eight years.

17 Q And on December 6th of 1986 about approximately 2:30 in the
18 afternoon, were you dispatched to Hollis Avenue?

19 A Yes, sir.

20 Q And do you recall if you went to that location,
21 specifically, 46 Hollis Ave. alone or with another officer?

22 A I believe it was with another officer?

23 Q Do you recall who that was?

24 A We left role call, so I'm not sure. When assigned when we
25 left role call, we just jumped in the first car if we had an

1 emergency and just leave. But I know Officer Finn, Officer
2 Murphy and myself did arrive at the same time at the residence.

3 Q When you arrived at that location, did you go to a specific
4 location at the house?

5 A I believe we went in through the side door into the
6 kitchen.

7 Q And when you went into the kitchen, what observations did
8 you make?

9 A Seth Bishop was laying on the floor in a pool of blood.

10 Q And in relationship to the door -- First of all, the
11 doorway that you entered, let me show you what's been marked as
12 Exhibit 12, which is an aerial of the house itself, the doorway
13 that you entered, where would that be on that photograph?

14 A I believe I entered into the kitchen, but I don't recall,
15 but I believe it was a door on the side of the house.

16 Q And do you recall --

17 A I believe it was off of Maple. I just thought of it.

18 Q Off of Maple?

19 A Because I believe I went in directly to the kitchen but I'm
20 not positive. I know that's where it was in the kitchen.

21 Q And when you entered in, where was Seth Bishop lying on the
22 floor in relationship to where you came in the door?

23 A I don't recall.

24 Q You don't recall?

25 A No.

1 Q And do you recall if he was facedown or face up?

2 A I believe he was facedown laying on his side.

3 Q And do you recall was he speaking at all?

4 A He wasn't speaking. He was still alive, but he wasn't
5 speaking.

6 Q And when you say he was still alive, what did you do to
7 determine that; were his eyes open?

8 A It was air movement.

9 Q All right.

10 A There was air coming out of his chest.

11 Q Okay. And a lot of blood?

12 A Yes.

13 Q When you came into the kitchen, were there any other people
14 in the kitchen other than Mr. Bishop on the floor?

15 A I believe his mother was there at the same time. I know
16 Officer Finn was standing up and Officer Murphy and myself were
17 working on him.

18 Q Okay. So the three of you, Officer Finn, Officer Murphy
19 and yourself, you all arrived at the same time basically?

20 A Yes, I believe so. Yes.

21 Q Did you all go through that same doorway into the kitchen?

22 A I don't recall.

23 Q All right. And when you say you began working on Seth

24 Bishop, what did you do?

25 A Again, we just as first responders, we just try to stop the

1 bleeding and render first aid until the ambulance arrived, but
2 they were only a couple of minutes behind us.

3 Q And so then when the EMTs arrive, they took over treating
4 him?

5 A Yes.

6 Q Do you remember where the wound was on Mr. Bishop?

7 A It was on his chest, like in the center of his chest.

8 Q I want to show you --

9 MR. NELSON: And I do have a police report.

10 (BY MR. NELSON)

11 Q And in your police report, do you put a description of
12 where the wound was located on Mr. Bishop?

13 A Uh-huh. Yes, I do.

14 Q And what was your description at that time?

15 A It was at the left center of his chest just to the left of
16 the center of his chest, right around here somewhere.

17 Q Now, you remained at that location while the EMTs were
18 working on Mr. Bishop?

19 A Yes.

20 Q And then what did you do then?

21 A I drove the ambulance to the hospital, so they could work
22 on him in the back.

23 Q And what hospital did he go to?

24 A South Shore. No. I'm sorry. Quincy City.

25 Q And then after when you arrive at the hospital, did you

1 remain at the hospital for a period of time?

2 A Yes, I did.

3 Q And were you there at the time that Mr. Bishop was
4 pronounced dead?

5 A Yes.

6 Q And then how did you -- You eventually leave the hospital
7 and where do you go from there?

8 A I return to the station.

9 Q And at some point in time, do you then end up in the area
10 of Dinger Ford?

11 A Yes.

12 Q And did you have occasion to speak to any individuals when
13 you were at that location?

14 A Yes.

15 Q And do you recall who it was you spoke to?

16 A I don't recall the names. I was sent down from the station
17 evidentially, but I don't recall taking a report but I have read
18 it.

19 Q And just showing you that report is that also your report?

20 A Yes.

21 Q And in that report, do you indicate speaking to two
22 individuals?

23 A Yes, it is.

24 Q And do you have their names?

25 A Thomas Pettigrew and Jeff Doyle.

1 Q And you spoke to those individuals and what did they say to
2 you?

3 A They told me that they heard a noise downstairs and they
4 went down to investigate. They opened a door coming from up to
5 downstairs and she was standing there, took them at gun point,
6 demanding a car and some keys.

7 Q And when you say "she" who are you referring to?

8 A Referring to Amy Bishop.

9 Q And both of those individuals, both Mr. Doyle and Mr.
10 Pettigrew indicated that she had pointed the gun at them?

11 A Yes.

12 Q And after you spoke with those individuals at the Dinger
13 Ford, did you then go back to the police station?

14 A Yes.

15 Q And you first got back to the police station prior to going
16 over to Dinger Ford?

17 A I believe I did. I went back or I wouldn't have had a car.

18 Q So from the hospital someone took you back to the police
19 station?

20 A Yes.

21 Q You get a car and then you went to Dinger Ford?

22 A Yes. I must have been dispatched again from the station to
23 investigate, check the area to see what we could find.

24 Q All right. And when you first get back to the police
25 station, do you know whether or not Amy Bishop is located there

1 at that time?

2 A I don't recall seeing her.

3 Q Were you advised that anyone had been taken in regarding
4 the shooting that you had attended?

5 A Yes. I knew she was arrested, yes.

6 Q Okay. But you don't know if she was still at the station
7 then?

8 A No, I don't.

9 Q When you get back after being to Dinger Ford, was she at
10 the station then?

11 A I don't recall.

12 Q Well, did you have conversations with other members of the
13 Braintree Police Department regarding her arrest?

14 A I'm sure I did.

15 Q At any point in time, did you have conversation regarding
16 her being released?

17 A Yes. We all discussed it.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

MR. NELSON: Can you put number 13 up, please?

(BY MR. NELSON)

Q And I'm showing you what's been marked as Exhibit 13 and the area that's highlighted in the circle on the top, can you identify what that is?

A Yeah. That's the Dinger Ford auto repair.

Q And the circle at the bottom would that be that residence at Hollis Ave.?

A Yes.

Q And are you familiar with the Village News?

A The building in front? I believe they're in the back of the front building I believe so.

Q All right. So that would be to the right of that circle at the top?

A Yes; yup.

Q While you were at the Bishop residence and you were I believe attending to Seth until the EMTs came --

A Uh-huh.

1 Q -- did you have any conversation with Judy Bishop while you
2 were there?

3 A No, I didn't.

4 Q And other than the two individuals that you saw at Dinger
5 Ford, did you interview or take statements from any other
6 people?

7 A No.

8 MR. NELSON: Nothing further, your Honor.

9 THE COURT: Well, I have a couple of things.

10 DIRECT EXAMINATION

11 (BY THE COURT)

12 Q When you were attending to Seth, where was Judy Bishop?

13 A I believe she was in the kitchen, but I don't recall.

14 Q You don't recall?

15 A I remember seeing her at her place, either when I came in
16 she must have been standing there. I remember seeing her but
17 don't recall where she was. Once I got in and started taking
18 care of him I don't know what happened to her.

19 Q So you have no memory of what her emotional state was at
20 that time?

21 A No.

22 Q Okay. She made no statements to you about what happened?

23 A No. No, sir.

24 Q Now, when you took statements from Pettigrew and --

25 A Doyle.

1 Q Doyle, who did you provide those statements to?

2 A They would have been turned over to the watch commander.

3 Q And the watch commander at that time was?

4 A Lieutenant Sullivan.

5 Q And do you know what happened after that?

6 A No, I don't.

7 Q I mean they had essentially told you that there was an
8 attempted arm robbery; correct?

9 A I don't recall that, no.

10 Q Well, you said that --

11 A Oh, yes. I'm sorry.

12 Q Yeah. She pointed a gun at them?

13 A Yes.

14 Q And demanded a car?

15 A Demanded a car, yes.

16 Q Okay. So what happened to that charge?

17 A We don't take the charges out. We file the reports.

18 Q Right. You filed it with the Lieutenant.

19 A Yes. And don't have any idea what happens to them after
20 that. They go to the detective bureau for follow up and then
21 they take out the complaints.

22 Q Well, did you ever follow up; I mean did you ever ask what
23 happened?

24 A No, and I had no idea what happened. We don't follow up on
25 it at all.

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THE COURT: Okay. Any other questions?

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MR. NELSON: No, your Honor.

22

THE COURT: Okay. Could Officer Jordan be excused?

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MR. NELSON: Yes.

24

THE COURT: Do you need to recall him? You can be excused

25

then.

1 THE WITNESS: Thank you.

2 (Witness excused.)

3 MR. NELSON: William Finn.

4 THE COURT OFFICER: William Finn.

5 MR. NELSON: William Finn is the next witness, your Honor.

6 THE COURT: Okay.

7 THE COURT OFFICER: If you'd just take the stand, please?

8 You can sit or stand whatever you prefer.

9 THE WITNESS: Okay.

10 WILLIAM FINN, Previously Sworn

11 DIRECT EXAMINATION

12 (BY MR. NELSON)

13 Q And, sir, would you identify yourself to the Court?

14 A My name is William Finn, retired Braintree Police Officer.

15 Q Could you spell your last name?

16 A F-i-n-n.

17 Q I just want to direct your attention to December 6th, of
18 1986, were you a Braintree Police Officer at that time?

19 A Yes, I was.

20 Q And at that time, how long had you been a member of the
21 Braintree Police?

22 A I went on in 1972.

23 Q On December 6th, did you have occasion to respond to a
24 location of 46 Hollis Avenue?

25 A Yes, I did.

1 Q And had you received a 9-1-1 call?

2 A I actually took the 9-1-1 call.

3 Q And the call that you took, who was that from?

4 A That was from Mrs. Bishop.

5 Q And when you took the call from her, did she tell you what
6 had happened at the house at that time?

7 A Yes -- yes.

8 Q And could you tell us the tone of her voice at that time on
9 the phone?

10 A I don't recall that.

11 Q Okay. Did you then after taking the 9-1-1 call, you
12 responded to that location?

13 A Yes, I did.

14 Q And were you with other officers?

15 A Yes, I was.

16 Q Do you recall who you were with?

17 A Tim Murphy and Rick Jordan and eventually Sergeant Brady.

18 Q When you arrived at the house, do you recall did you meet
19 Mrs. Bishop there?

20 A I met her at the front door.

21 Q So when you enter in the house, you go through the front
22 door of the house?

23 A Yes.

24 Q And do you recall how Mrs. Bishop appeared to you at that
25 time?

1 A No, I do not.

2 Q Do you recall in February of this year speaking to a couple
3 of state troopers regarding this incident?

4 A I believe Captain Shea and another trooper. I'm not too
5 sure.

6 Q And I just want to ask you to look at this report here?

7 A Okay.

8 Q And just read this to yourself if you would?

9 A Okay.

10 Q And you had indicated that you didn't recall how she, Mrs.
11 Bishop, appeared to you at that time. Do you recall telling the
12 officers or the troopers how she appeared to you?

13 A Yes. What I meant by my answer to the first question was
14 that, you know, she wasn't screaming. Visibly she was upset
15 that an accident had happened, I mean distraught as I had told
16 the State Police, but I mean she wasn't hysterical.

17 Q Okay. So when you arrived then Mrs. Bishop tells you that
18 Seth's in the kitchen?

19 A Yes.

20 Q And you then proceed to that location?

21 A Yes, I did.

22 Q And what observations do you make when you enter the
23 kitchen?

24 A Seth was on the floor in the kitchen. There was a pool of
25 blood. He was laying facedown.

1 Q And what did you do?

2 A I helped turn him over with Jordan and Murphy, and we
3 opened his shirt to the wound and we started to perform whatever
4 emergency medical treatment needed to be done until the
5 ambulance people arrived.

6 Q And could you tell if he was still alive at that time?

7 A I don't think so.

8 Q Did you hear any noises, any breathing or anything of that
9 nature?

10 A I don't recall that.

11 Q How long before the ambulance arrived?

12 A I don't recall that either.

13 Q Did all three of you work on Mr. Bishop?

14 A At different times, yeah. When I first got there, I was
15 opening the shirt and then Murphy and Jordan pitched in and at
16 different points of the time the three of us at one point in
17 time had been working on him.

18 Q And do you recall seeing the wound?

19 A Yes.

20 Q And where was that located?

21 A In the chest area I believe if I recall it correctly.

22 Q Do you recall the size of it or?

23 A No, I don't.

24 Q No. A lot of blood coming from it?

25 A Oh, yeah. There was a lot of blood; on the floor as well.

1 Q All right. After the EMTs arrived and they begin working
2 on Mr. Bishop, while you're in the kitchen doing that, do you
3 recall where Mrs. Bishop was?

4 A No, I don't.

5 Q You don't recall her ever saying anything while you were
6 working on her son?

7 A I don't recall that; no.

8 Q After the EMTs arrive, what do you do then?

9 A Sergeant Brady had ordered all the other cars at that point
10 in time to go and search for Amy Bishop because she had left the
11 house and I was one of the cars. I believe that Jordan stayed
12 there because he eventually drove the ambulance to the hospital
13 while the EMTs were working on the person, on Seth -- Excuse me.
14 And Timmy Murphy and I went out looking for Amy Bishop.

15 Q Now prior to going to look for Amy Bishop, you had occasion
16 to speak with Mrs. Bishop?

17 A I'm sure I did. I don't remember the exact conversation at
18 this time but I do recall talking to her. She did tell me at
19 one point that I believe it was during the phone call
20 conversation, but at one point in time she did tell me that Amy
21 had shot Seth.

22 Q If I could just ask you to look at this report and this is
23 your report?

24 A Yes, it is.

25 Q And just look at this first paragraph and just read it to

1 yourself?

2 A (Witness complying.)

3 Q And does that refresh your memory of Mrs. Bishop or
4 speaking with Mrs. Bishop on the porch of the house?

5 A You know it's in my report so it was said to me, but I
6 really just don't recall the actual conversation. If it's in my
7 report, it was said to me.

8 Q And what did your report say?

9 A The report said to me that Amy had the gun, she put a shell
10 in it, it went off.

11 Q And when you left then at some point after that, you left
12 to go look for Amy?

13 A Yes.

14 Q Did you at that time know that she still had the gun with
15 her?

16 A Yes.

17 Q And you had been given a description of what she was
18 wearing?

19 A Yes. I gave the description that's in my report. I gave
20 the description to the police dispatcher, and the police
21 dispatcher, I believe was John Mahoney at the time. He
22 dispatched that description and at that time as I said, Sergeant

23 Brady had ordered all cars to go out and look for her.

24 Q So you then go to the area of Dinger Ford?

25 A Not originally. I eventually ended up there when the other

1 officers reported that she was down in that area. We were
2 searching -- it's a big area. We were all searching different
3 areas when the report come back over the radio that she was down
4 there. I did respond to that area, yes.

5 Q And then when you arrived there, at some point in time you
6 see Amy Bishop there?

7 A Yes, I did.

8 Q And had other officers already apprehended her at that
9 time?

10 A Yes. Yeah, Ron Solimini and Timmy Murphy.

11 Q And do you know whether was she handcuffed at the time that
12 you arrived?

13 A I'm not sure whether she was handcuffed at that point in
14 time or not, but I did assist her into the cruiser with Officer
15 Solimini while she was handcuffed.

16 Q And after you assisted in that, you then go back to the
17 Bishop house?

18 A Yes, I did.

19 Q And did you meet Mr. Bishop there?

20 A Mr. Bishop had arrived home at that point in time; yes.

21 Q And at the time that you met Mr. Bishop there was Mrs.
22 Bishop still there if you recall?

23 A I don't recall.

24 Q Did you have occasion to do anything with Mr. Bishop?

25 A I took him to Quincy Hospital where Seth had been taken.

1 Q And did you remain there for a period of time?

2 A Yeah. Not very long, because I believe that the short
3 period of time that we were there from the time we had arrived,
4 Seth was pronounced deceased at that time. For a very short
5 period of time I was there with Mr. Bishop.

6 Q And were you present when the autopsy was performed?

7 A No.

8 Q At any point in time after this happened, did you have
9 occasion to -- excuse me. Strike that. Do you recall having a
10 conversation with either Mr. or Mrs. Bishop regarding the
11 firearm?

12 A No.

13 Q Do you ever recall asking either Mr. and Mrs. Bishop if
14 they didn't want the firearm back if you could have it?

15 A I would never have asked. I'm an anti-gun person. I would
16 never have asked that question.

17 MR. NELSON: Just one moment, your Honor?

18 Number 12.

19 (BY MR. NELSON)

20 Q Let me just show you what's been marked as Exhibit 12,
21 which is sort of an aerial photograph of the home.

22 A Uh-huh.

23 Q And the entrance where you entered the home is that shown
24 on that photograph?

25 A Yes, right there.

1 Q So it would be --

2 A Right up that walkway.

3 Q This one right off of Hollis Ave.?

4 A Right.

5 Q And you had indicated that you were the one that actually
6 took the 9-1-1 call?

7 A Yes.

8 Q And after you took the call, did you remain on the phone
9 for a period of time or did you hand the phone off to someone
10 else?

11 A To the other dispatcher and then I left immediately.

12 Q All right. So at the time that you left, Mrs. Bishop was
13 still on the phone with this other individual as far as you
14 know?

15 A I'm not sure of that. I think I took the call and
16 dispatched myself and the other cars, and so I would assume --

17 Q That was the end of it?

18 A -- again, that was the end of the call.

19 Q Okay.

20 MR. NELSON: Nothing further.

21 DIRECT EXAMINATION

22 (BY THE COURT)

23 Q ~~Now, did you know the Bishops before this date?~~

24 A I knew Mrs. Bishop.

25 Q And how did you know her?

1 A I was the Union president at that time in the police
2 department, and there was a woman by the name of Saran Gillies,
3 who was becoming an up-and-coming politician in the town. I
4 used to call her with all due respect "The Women's Moment in
5 Braintree" but this woman here was going to run for Selectman,
6 and Judy Bishop was part of that little click of women. There
7 was a whole bunch, about 20 of them that was campaigning for her
8 to become a woman Selectman.

9 Q Okay. So had you talked to Judy Bishop before that day or
10 you just knew her?

11 A I just knew of her.

12 Q Okay. And after you left Quincy City Hospital, where did
13 you go?

14 A I took Mr. Bishop back to the police station.

15 Q Okay. And was Amy still there when you brought Mr. Bishop
16 back to the police station?

17 A I don't recall that.

18 Q So you don't know?

19 A No, I don't.

20 Q So you have no idea how she left there; did you see her in
21 there?

22 A No, I did not.

23 Q Okay. And do you have any idea what happened to the
24 shotgun?

25 A I never saw the shotgun.

1 Q Never?

2 A To this day, I've never saw the shotgun.

3 THE COURT: Okay. I'm all set. Thank you.

4 MR. NELSON: Just a couple questions, Judge?

5 THE COURT: Yup.

6 REDIRECT EXAMINATION

7 (BY MR. NELSON)

8 Q As far as just being the union rep, as far as the running
9 of the department, if someone was going to be released in a
10 situation such as this, who would make the decision to release
11 the person?

12 A Well, there are ways of being released. If there was a
13 bail, if there was a charge, there's a bail. If there was a
14 release, the releasing officer would have to be the booking
15 officer. And the booking officer, knowing the booking officer
16 that was there that day, had to get an order from high above to
17 release them.

18 Q And who would that; was there an individual there that
19 would normally be the one that would give that order?

20 A At that point in time during that scenario, we always used
21 to have either a Deputy, and I believe the person in charge of
22 the station on that day was an acting captain by the name of

23 D'Amico. So we used to have one on each shift, they don't do
24 that any more, but at that point in time it would have been
25 D'Amico and I believe it would have came from D'Amico.

1 Q And you were never told why Amy Bishop was released?

2 A I never knew she was released.

3 MR. NELSON: All right. Thank you.

4 REDIRECT EXAMINATION

5 (BY THE COURT)

6 Q And the booking officer at the time was Lieutenant
7 Sullivan?

8 A Lieutenant Sullivan.

9 Q And I take it from your comments you think it would be
10 unusual for Lieutenant Sullivan to have released her without
11 some permission from someone else?

12 A Absolutely.

13 THE COURT: Okay. Thank you very much.

14 Could he be excused?

15 MR. NELSON: Yes, your Honor.

16 THE COURT: Thank you. Oh, I'm sorry. Could you just come
17 back? I apologize -- I apologize.

18 THE WITNESS: That's okay.

19 (BY THE COURT)

20 Q I was just looking at your police report.

21 A Okay.

22 Q I believe this is your police report, correct; is that your

23 -- No?

24 A Yes, it is.

25 Q Okay. You say in here she stated --

1 A "Her daughter was asking her how to unload the gun."

2 Q Okay. And she had put a shell inside?

3 A She had put a shell inside the gun.

4 Q Okay. And when did she say this to you?

5 A When we were at the house.

6 Q Okay. And she stated that Amy was asking her how to unload
7 the weapon?

8 A Yes.

9 Q Okay. All right. Thank you.

10 A She was asking Mrs. Bishop.

11 Q She was asking Mrs. Bishop --

12 A Yup.

13 Q -- how to unload it? Okay. And you have a memory of that
14 of her asking that?

15 A Yes.

16 THE COURT: Okay. You can step down. Thank you.

17 (Witness excused.)

18 MR. NELSON: Timothy Murphy.

19 THE COURT OFFICER: Timothy Murphy, please?

20 THE WITNESS: Good morning, your Honor.

21 THE COURT: Officer.

22 THE COURT OFFICER: You can sit or stand whichever you
23 prefer.

24 THE COURT: You may proceed.

25 TIMOTHY MURPHY, Previously Sworn

DIRECT EXAMINATION

1

2 (BY MR. NELSON)

3 Q Would you identify yourself to the Court, please?

4 A Timothy J. Murphy, retired Braintree Police Officer, six
5 years.6 Q Sir, I want to direct your attention to December 6th of
7 1986, were you working for the Braintree Police at that time?

8 A Yes, sir.

9 Q And did you have occasion on that date to respond to 46
10 Hollis Avenue in Braintree?

11 A Yes, sir.

12 Q And do you recall when you arrived at that location, did
13 you go there with other officers or alone?14 A I believe myself and Rick Jordan, Officer Jordan were the
15 first two to arrive.

16 Q And when you arrived there, did you meet anyone there?

17 A Yes, I did.

18 Q And who did you meet?

19 A I believe that we were met by Mrs. Bishop, the mother of
20 the victim.

21 Q And do you recall where it was that she met you?

22 A Somewhere in the front of the house, either the porch or
23 the front entryway.24 Q All right. And is that the way you entered the house
25 through the front door?

1 A Yes. There's a porch on the front of the house I believe.

2 Q All right. And if I direct your attention to that
3 photograph that's up on the screen, which has been marked as
4 Exhibit 12, do you recall that as being the home that you
5 responded to?

6 A Yes.

7 Q And that front walkway that leads from Hollis Avenue is
8 that how you entered the house?

9 A Yes, sir.

10 Q And is that where you first met Mrs. Bishop; is that where
11 Mrs. Bishop was when you first met her?

12 A I believe she was in the top of the stairway in the hall
13 entrance there.

14 Q And at the time that you met her, do you recall what she
15 said to you if anything?

16 A No, I don't.

17 Q Can you tell us how she appeared to you at that time?

18 A I beg your pardon?

19 Q How did she appear to you at that time; was she --

20 A Very upset, hysterical.

21 Q Were you brought into a certain area in the house then?

22 A Yes.

23 Q And where was that?

24 A It was in the -- it was right by the kitchen, a little
25 hallway I believe.

1 Q And what did you observe there?

2 A I seen a male on the floor bleeding profusely on his side.

3 Q And did you have occasion to do anything with him?

4 A Yes. Officer Jordan and myself went to give him an airway.
5 It looked like he was having a hard time breathing.

6 Q And so at that time, did it appear to you that he was still
7 alive?

8 A If he was, he was just barely alive in my opinion.

9 Q And did you remain there until the EMTs arrived?

10 A They came right, almost right after we walked in the door,
11 like within maybe a minute or seconds.

12 Q And after the EMTs arrived, and while you were with Mr.
13 Bishop prior to the EMTs arrival, did you see where Mrs. Bishop
14 was?

15 A Where Mrs. Bishop was? No, I was -- I didn't --

16 Q All right. So you were more focused on --

17 A Yes, sir.

18 Q -- the young man on the floor?

19 A Yes, sir.

20 Q After the EMTs arrived, did you remain at that location?

21 A No, I didn't, sir.

22 Q Where did you go?

23 A I was informed by my street supervisor to look for the
24 female that had shot him, which was his sister.

25 Q And had you been given a description of what she was

1 wearing?

2 A Yes, she did -- yes, he did.

3 Q And did you know whether or not she still had the firearm
4 with her at that time?

5 A We were told she still had the firearm with her, sir.

6 Q And who was it that told you; was it Mrs. Bishop that told
7 you that if you recall?

8 A I beg your pardon?

9 Q Was it Mrs. Bishop that told you that or did another
10 officer?

11 A My street supervisor, Sergeant Brady.

12 Q So then you went out to search for Amy Bishop at that time?

13 A Yes, sir.

14 Q And where did you go?

15 A I went up and down the street in front of the house, in
16 back of houses, and ended up in the rear of the Village News in
17 Braintree Square.

18 MR. NELSON: 13.

19 (BY MR. NELSON)

20 Q Let me show you what's been marked as Exhibit 13. And
21 first the sort of highlighted circle at the bottom of that
22 photograph, and is that the residence where you first responded
23 to?

24 A Yes.

25 Q Okay. And then the streets, would it be fair to say that

1 you went up and down some of the streets that are located in
2 that photograph then?

3 A Yes, sir.

4 Q Looking for Amy Bishop?

5 A Yes, sir.

6 Q And where you eventually, what you describe as the Village
7 News, is that shown in that photograph?

8 A It's the building that they distribute papers out of out of
9 the rear of the building. I believe that Dependable Cleaners
10 was in the front.

11 Q And is the Village News shown in that photograph?

12 A Yes, sir.

13 Q Okay. And is this it here?

14 A Yes, sir.

15 Q And when you arrive in that location, what do you see
16 there?

17 A At first I combed the area looking for Ms. Bishop and
18 didn't notice her until a short time later, which was probably
19 within seconds or a minute. And I believe there was a truck out
20 in back there. I searched the truck, looked around under the
21 truck in the area and within seconds I observed her in like a
22 blockade in front of me I believe and a shotgun pointed at me.

23 Q Pointing at you?

24 A Yes.

25 Q And did she say anything to you?

1 A I beg your pardon?

2 Q Did she say anything to you?

3 A No.

4 Q Were you alone at that time or were there other officers
5 with you?

6 A I was alone at that time.

7 Q And do you have your weapon?

8 A I drew my weapon as soon as I seen the gun pointed at me.

9 Q And do you point the weapon in her direction?

10 A I pointed it right at her, directly at her.

11 Q And what happened then?

12 A I held the weapon at her and I told her to lower the
13 weapon, to drop the weapon. I'm a police officer so lower the
14 weapon. It appeared to me like it was about five minutes but it
15 was probably maybe a minute, and she lowered the weapon. I ran
16 over and grabbed the rifle and I believe Officer Solimini came
17 over and assisted in handcuffing her.

18 Q When you're standing holding your weapon, pointing your
19 weapon at her and she's got the rifle pointed at you, about how
20 far apart are you?

21 A Probably about the same distance where we are now.

22 Q So where we are now?

23 A Yes.

24 Q So like 15 feet or so?

25 A Yes.

1 Q Did you have occasion to do anything with the rifle after
2 you apprehended her?

3 A After I put the safety on, I took the rifle, Officer
4 Solimini and me put Ms. Bishop in the cruiser and transported
5 her to the station.

6 Q And again, now is there any other officers with you at that
7 time?

8 A Officer Finn came over, too, but I believe that he left
9 from that site back to the house.

10 Q And so when you're transporting Amy Bishop back to the
11 station are you alone?

12 A I'm with Officer Solimini.

13 Q And while transporting her back to the station, did she
14 make any statements to you at that time?

15 A No, she didn't.

16 Q While you're transporting her back, do you recall her
17 saying anything about having an argument with her father?

18 A I don't recall, sir.

19 Q As you're transporting her back to the station, do you also
20 have the firearm with you?

21 A Yes, sir.

22 Q And when you arrive back at the station, do you do
23 something with the firearm?

24 A I turned it over to Captain D'Amico.

25 Q And did he have occasion to examine it?

1 A Yes, he did.

2 Q And while he was examining it, were you present?

3 A No, I wasn't.

4 Q When Captain D'Amico -- Well, it's fair to say he's
5 deceased now; Captain D'Amico is deceased?

6 A He was the commanding officer --

7 Q No. He's has died since this happened?

8 A Oh, yes -- yes. He's deceased; right.

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[REDACTED]

Q And I just want to show you this item. And you saw the rifle?

A Yes, I did.

Q And I just ask you to look at this item and the rifle that you seized on that date, was it similar to that rifle that you have in front of you; similar to that rifle?

A I believe it was a pump action similar to this. I can't --

Q And do you recall if the stock was the same as that, like a wood?

A It was 24 years ago. All I remember was a pump action.

Q All right.

A Yeah. It appears to be the rifle.

MR. NELSON: I have nothing further of Mr. Murphy.

THE COURT: I'm all set. Thank you very much, officer.

THE WITNESS: Thank you, your Honor.

THE COURT: He could be excused I take it?

MR. NELSON: Yes, your Honor. Thank you.

1 (Witness excused.)

2 MR. NELSON: Ronald Solimini?

3 THE COURT: Now, he's represented by Attorney McGee?

4 THE COURT OFFICER: Yes.

5 THE COURT: If Attorney McGee's here as well.

6 THE COURT OFFICER: Will you take the stand, please, sir?

7 You can sit or stand whichever you prefer.

8 THE WITNESS: Good afternoon, your Honor.

9 THE COURT: Officer.

10 RONALD SOLIMINI, Previously Sworn

11 DIRECT EXAMINATION

12 (BY MR. NELSON)

13 Q Sir, would you identify yourself for the Court and just
14 spell your last name?

15 A Officer Ronald Solimini, patrolman, Braintree Police
16 Department. The spelling of my last name is S-o-l-i-m-i-n-i.

17 Q I want to direct your attention to the Sixth of December of
18 1986, were you a member of the Braintree Police Department at
19 that time?

20 A Yes, I was.

21 Q And how long had you been a police officer at that time?

22 A Probably, approximately, three years.

23 Q At some time around 2:30 on that date, did you have
24 occasion to respond to 43 (sic) Hollis Ave.?

25 A Yes, I did.

1 Q And do you recall when you went to that location if you
2 were alone or with other officers?

3 A I was alone.

4 Q And when you arrived there, were there already other
5 officers who were at the scene?

6 A Yes, there was.

7 Q And do you recall who they were?

8 A I just met Sergeant Brady outside. I never made it inside
9 the house and he directed me to start a search.

10 Q And did he tell you who to search for?

11 A Yes, he did.

12 Q And were you given a description of the person?

13 A Yes, I did.

14 Q And the person you're searching for is Amy Bishop?

15 A Yes, it was.

16 Q And had you been told that she was in possession of a
17 firearm?

18 A Yes.

19 Q And so you then left that location?

20 A Yes, sir.

21 Q And when you left, again, you're alone?

22 A Yes, I was.

23 Q And do you know whether or not there were other officers
24 who were searching the area as well?

25 A I believe there was.

1 Q And do you recall where you went?

2 A When I left Hollis Ave., I came out of Hollis Ave., I took
3 a left going down into the Braintree Square area, and the next
4 side street was I believe it's Parkway Drive or Parkway
5 Road, I pulled my cruiser down there and that's where I believe
6 that's where I first spotted Ms. Bishop.

7 MR. NELSON: Can you put up -- It's up.

8 (BY MR. NELSON)

9 Q I'm showing you what's been marked as Exhibit 13, and first
10 of all, there's sort of an area at the bottom of the photo
11 that's highlighted with a circle?

12 A Uh-huh.

13 Q Is that the residence at Hollis Ave.?

14 A Yes, it is.

15 Q And there's a street located up towards the top right of
16 the photograph that says "Parkway Street"?

17 A Yes, sir.

18 Q Is that the street you're referring to?

19 A Yes, sir.

20 Q Okay. And where did you pull down to on that street?

21 A I believe when I first pulled my cruiser in and I first saw
22 her for a few seconds, I pulled it down -- I pulled it on the

23 left side of the road. And when I saw her again, I moved my

24 cruiser like kitty corner to the right.

25 Q Okay. And did you see any other people out in that area at

1 that time?

2 A Yes, I did.

3 Q And any other police officers in the area?

4 A Not at that time.

5 Q And are you in radio contact with any of them?

6 A Yes, I was. The first time I spotted her on Parkingway

7 Street, I radioed them right away.

8 Q And when you radio is that like into a general dispatch?

9 A Yes, sir.

10 Q Okay. And so you continue to pull down that street?

11 A Uh-huh.

12 Q And how far down do you go?

13 A I would say at least halfway, just before -- just before
14 the buildings on the left side, before the end of that building.

15 Q And when you first see Ms. Bishop --

16 A Uh-huh.

17 Q -- do you see her carrying the weapon?

18 A Yes, I did.

19 Q And how was she carrying it?

20 A She was carrying it; both hands were on the shotgun and she
21 didn't have it up here. She just had it down, pointed down

22 here.

23 Q So more pointed towards the ground?

24 A Yeah. Well, not to the ground. It was like --

25 Q Right, at an angle?

1 A Yeah.

2 Q Okay.

3 A I called it almost like a ready position. But she didn't
4 have it -- she didn't have it up there, no.

5 Q And so then you follow her down to sort of the end of
6 Parkingway?

7 A When I got out of my cruiser, exited out of my cruiser and
8 I didn't see her, because she was around the corner. And then
9 as I started walking towards the front of the cruiser, I spotted
10 her. She came out the side of the building, the back of that
11 building, which is Village News. I started talking to her
12 because as I was talking to her, I was a little scared myself.
13 I'll be honest with you. And she had that shotgun and all I had
14 was a 38 back then. And I had my 38 out beside me, you know, on
15 the side and I didn't want her to see it. And I was backing up
16 because she had, you know, I knew what just happened and she
17 looked frightened, disorientated and I wanted to back up. And
18 as I kept on talking to her, I backed up to the front part of my
19 cruiser that I had the engine block, the left-front quarter of
20 my cruiser to protect me in case something happened.

21 Q So you have your weapon out and you're sort of concealing
22 it, so --

23 A Yes, I did at all times.

24 Q -- because you don't want to scare her?

25 A No. I didn't want to scare her.

1 Q And as you're backing up towards your cruiser --

2 A Uh-huh.

3 Q -- is she approaching you or did she remain where she is?

4 A No. She came out -- she came out a few steps. We were
5 approximately about 30 I would say, approximately about 30 feet
6 away.

7 Q And as she's approaching a little bit, the gun's still
8 pointed at an angle?

9 A Right. She came out a little bit and she stopped there.
10 And then we were talking. I was talking to her. She wasn't
11 saying anything to me.

12 Q And does she ever raise the gun?

13 A She kept it ready like that, ready position. She never
14 raised the gun and pointed it at me.

15 Q Okay.

16 A I mean she had it down here, but she didn't have it -- I
17 mean it was definitely in my direction, pointed like at my
18 direction but she didn't have it -- it wasn't, you know, like
19 she was ready to shoot.

20 Q All right. And do you continue to talk to her?

21 A Yes, I did.

22 Q And did she respond in any way?

23 A No, she didn't.

24 Q How long do you remain in this position?

25 A I kept on talking to her, asking her to put the gun down

1 and trying to reason with her, things will be okay, why don't
2 you come over to my cruiser after you put the gun down, you
3 know, we'll talk. And as I kept on doing this, I saw Officer
4 Murphy in the back. So I kept her attention onto me and I kept
5 on talking to her, so Officer Murphy could get up behind her
6 because she wasn't dropping the gun for me. And Officer Murphy
7 got behind her and he was just a few feet away and he ordered
8 her to drop the gun. And after a few times, after he screamed
9 at her, she put the gun down. And then I went over and
10 handcuffed her and Officer Murphy -- Officer Murphy grabbed the
11 gun first, and then I went over and put her in handcuffs.

12 Q Were you the one that put cuffs on her?

13 A Yes, I am.

14 Q And then did you transport her back to the station?

15 A Yes, I did. I gave her her Miranda Rights and I patted her
16 down, you know, patted her jacket down.

17 Q And was Officer Murphy with you when you transported her
18 back?

19 A Officer Murphy was with me the whole time.

20 Q When you patted her down, did you find anything on her
21 person?

22 A I found a shotgun shell unused in her jacket pocket. I
23 can't tell you, I don't remember if it was the right or left,
24 but I found it in her jacket.

25 Q And the rifle, did you have an occasion to examine that at

1 all?

2 A I got to examine it back at the station with I believe it
3 was Captain D'Amico. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q While you were transporting her back to the station, did
8 she say anything?

9 A Yes, she did.

10 Q And what did she say?

11 A Can I look at my report? I'm pretty sure, but I just want
12 to say the exact words. I'm pretty sure she said something like
13 she had an argument with her father. That she had an argument
14 with her father earlier prior to the shooting.

15 Q And she didn't say what that was about?

16 A No. She wasn't very talkative.

17 Q After you brought Amy Bishop back to the station, did you
18 remain there for a period of time?

19 A Yes, I was.

20 Q And would you as far as how the department worked at that
21 time --

22 A Uh-huh.

23 Q -- would you be the one to make up a report then for
24 purposes of charging her with anything or booking her or
25 anything of that nature?

1 A I brought her in handcuffs; is that what you're talking
2 about? I brought her in handcuffs. I brought her into the
3 booking room.

4 Q And then, I guess what I'm trying to say is, is there
5 someone else that does the booking rather than you?

6 A Yes -- yes.

7 Q Okay. So you just, you bring her into a booking room?

8 A Uh-huh.

9 Q And do you tell them what the charges are going to be or
10 how does that work?

11 A Normally the lieutenant would go over the incident with the
12 watch commander or the lieutenant at the time, and then he
13 would, you know, he would decide what the charges were.

14 Q Okay.

15 A You know?

16 Q And do you recall doing that?

17 A No, I don't recall. I think we might have, you know, in
18 conversation with everybody that was there that day; you'd have
19 to talk to him.

20 Q Okay. And that was Captain D'Amico?

21 A No. That was Lieutenant Sullivan.

22 Q Okay.

23 A Which is, you know, retired Deputy Chief Sullivan.

24 Q Okay.

25 A It was Lieutenant Sullivan.

1 Q And at some point in time after you bring her into the
2 booking room --

3 A Uh-huh.

4 Q -- you then leave and --

5 A Yes. I was out front in the lobby for a while.

6 Q Okay. At any time while you're there, do either Mr. or
7 Mrs. Bishop arrive at the station?

8 A Yes. Mrs. Bishop arrived.

9 Q And at the time that she arrived, did you have any
10 conversation with her?

11 A With Mrs. Bishop?

12 Q Yes?

13 A No. She just came into the station and when she came into
14 the station she was upset, as she should be. And when she came
15 in she was saying that she wanted to speak to John V or John
16 Polio. She kept on calling him by his first name, and she
17 wanted to see him. And I just, the only reason I can remember
18 that is because I always called him Chief Polio or Chief, you
19 know. I never heard anybody call him John before, so I mean
20 that's how come I can remember that part. I don't know where
21 she went after that. I just remember her coming into the
22 station saying that and other than that --

23 Q And Chief Polio was he known as John V?

24 A Yes.

25 Q And did you see her, Mrs. Bishop, leave the station?

1 A Leave the station with Amy?

2 Q Yes?

3 A Yes, I did.

4 Q And how long after she arrived there did that happen?

5 A After the first time I saw her to the time --

6 Q When she comes in and says she wants to talk to John V or

7 see John V?

8 A Okay. I would, it's not a guess but approximately I would
9 say around 20 minutes, maybe 15. It wasn't hours. It was a
10 short period of time.

11 Q Okay.

12 A It was a short period of time.

13 Q And did you after you see them leave, do you have occasion
14 to inquire as to why she was walking out?

15 A Yes. When she came out, I was standing there and she went
16 out the side door with her daughter and the lieutenant was

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 [REDACTED]
24 Q And did you know a Lucy Polio?

25 A Yes, I did.

1 Q And who was she? At the station what was her duties?

2 A She was the police matron that was called in that day. And
3 usually they only call a matron when they're under arrest.

4 Q When there's a female?

5 A When there's a female prisoner, yeah. I mean she was
6 called in at 14 -- I'll have to look at the sheet, 1445 hours.

7 Q Okay. And she would only be called in if there was a
8 female under arrest?

9 A Under arrest. That's all we used her for.

10 Q And just showing you this rifle?

11 A Uh-huh.

12 Q And first of all, the rifle that you seized from Amy Bishop
13 can you tell us if that is a similar model?

14 A Yes. That looks like it.

15 Q And the stock as far as it being the wood stock, is that
16 similar to what you saw that day?

17 A To the best of my knowledge I mean, like I said, I only saw
18 it for a short period of time that day.

19 Q Right.

20 A I'm only a patrol officer, you know.

21 Q And the rifle itself, do you turn that over to someone
22 there?

23 A I believe Captain D'Amico. He was our range officer and
24 weapons guy. So I'm sure that either he took it or he had
25 control over it.

1 Q And he's the one you said examined it?

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q Okay. And then can you just tell us the way the station
8 worked at that time? Is that then placed somewhere for someone
9 to take it to the ballistics unit to be examined?

10 A I wouldn't know that. I mean I'm a patrol officer.

11 Q Okay. So as a patrol officer, you would just after you
12 seize something such as that weapon --

13 A Uh-huh.

14 Q -- there's someone higher up that you turn it over to?

15 A Yes, sir.

16 Q And they --

17 A Or back then, probably yes. Now, we have an evidence
18 locker. We tag it and lock it in the evidence locker.

19 Q Okay.

20 MR. NELSON: That's all.

21 THE COURT: I have no questions. Thank you very much,
22 officer.

23 THE WITNESS: Thank you, your Honor.

24 THE COURT: Thank you very much. I take it he could be
25 excused for the day?

MR. NELSON: Yes.

THE WITNESS: Thank you.

THE COURT: Officer?

THE COURT OFFICER: Officer?

THE WITNESS: Oh, sorry.

THE COURT: Front door, please?

(Witness excused.)

THE COURT: Next witness, please?

MR. NELSON: Kenneth Brady?

THE COURT OFFICER: You can sit or stand, sir, whichever you prefer.

THE WITNESS: Okay.

KENNETH BRADY, Previously Sworn

DIRECT EXAMINATION

(BY MR. NELSON)

Q And sir, would you identify yourself for the Court, please?

A Kenneth Brady, retired lieutenant from the Braintree Police.

Q And, sir, I want to direct your attention to the Sixth of December of 1986, on that date were you a member of the Braintree Police Department?

A Yes, I was.

Q And do you recall what your rank was at that time?

A I was a sergeant at that time.

Q And on that date, did you have occasion to respond to 46

1 Hollis Avenue in Braintree?

2 A Yes, I did.

3 Q And would that be sometime around 2:30 or so?

4 A I believe it was 2:22.

5 Q And at the time that you responded to that location, were
6 you with other officers?

7 A Yes, I was.

8 Q And do you recall who you were with?

9 A Well, I drove there by myself. We were at roll call and
10 received a call from communications that there had been a
11 shooting. And I responded to that location. I got there and
12 Officers Jordan and Murphy were attempting to do first aid on a
13 white male laying on the floor.

14 Q When you arrived there, did you speak with Mrs. Bishop?

15 A Yes, I did.

16 Q And do you recall the conversation you had with her?

17 A I asked her what happened, and she stated that her daughter
18 Amy had come downstairs and had a shotgun in her hands. And
19 Mrs. Bishop was by the, stated she was by the kitchen sink and
20 her son Seth was near the stove. And Amy said she had bullets
21 in the shotgun and she didn't know how to get them out. And
22 Mrs. Bishop said that she told her "Don't point it anybody" and

23 at that time the firearm discharged, striking her brother Seth
24 in the chest. And he fell to the floor and they called the
25 police. And Mrs. Bishop stated that her daughter had left the

1 house through the kitchen door with the shotgun, and we didn't
2 at that time know where she went.

3 Q Now, some of the other officers that you were there with
4 were working on Seth Bishop prior to the EMTs arriving?

5 A Prior to what?

6 Q Prior to EMTs arriving?

7 A Yes, they did. They did the best first aid they could.

8 Q And were you present in the kitchen while they were doing
9 that?

10 A Yes.

11 Q And as far as Seth Bishop, at the time that they're working
12 on him, was he still alive to the best of your knowledge?

13 A I don't know. There was massive injuries. I'm not a
14 forensics' man, but it couldn't have been more than four feet
15 from the shotgun blast when it hit him. I know at the hospital
16 they pulled the paper wadding out of the chest. It was part of
17 the shell.

18 Q When you first arrive and you're speaking with Mrs. Bishop,
19 can you tell us how she appeared to you at that time, her
20 emotional state?

21 A She was upset but I thought she was amazingly in control of
22 herself.

23 Q So when you're speaking with Mrs. Bishop, she told you that
24 Amy had left the house?

25 A Yes, she did.

1 Q And did she tell you that she still had the firearm with
2 her?

3 A Yes.

4 Q And did she also tell you or give you a description of the
5 clothing that she was wearing?

6 A I don't recollect. I know at some point I put out a
7 broadcast to be on the lookout for a white female and I don't
8 believe I had a description of the clothes.

9 Q Do you remain at that residence?

10 A I stayed there for a short period of time until they took
11 Seth to the hospital, and then I went to the hospital. I think
12 I took Mrs. Bishop with me, and we responded. And the doctor in
13 the emergency room had told me that he had passed away.

14 Q When you leave the residence to go to the hospital, Mr.
15 Bishop had he arrived at the house?

16 A I don't recall.

17 Q And after you're told that Seth Bishop had passed away --

18 A Yes.

19 Q -- do you remain at the hospital or do you leave there?

20 A I left there with Mrs. Bishop. I believe I drove her to
21 the police station, because by that time I had overheard the
22 radio traffic that Amy had been taken into custody.

23 Q So when you get back to the police station with Mrs.
24 Bishop, is Amy Bishop has she already arrived?

25 A The next time when I saw Amy she was in the booking room.

1 Q Do you recall who was in charge of the booking room that
2 night?

3 A Lieutenant Sullivan.

4 Q And did you get involved with the booking at all?

5 A There never was a booking.

6 Q When you arrive with Mrs. Bishop, do you hear her say
7 anything when she arrives?

8 A She was talking about "I want you to contact the Chief
9 right away" and I didn't call him. [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q Had you had conversation with Mrs. Bishop while you're in
15 the process of transporting her from the hospital to --

16 A I don't recall.

17 Q The time when she's asking or talking about talking to the
18 Chief or seeing the Chief that was after you had arrived back at
19 the station?

20 A Right.

21 Q And were you present at the station when Amy Bishop was
22 released?

23 A Yes. Lieutenant Sullivan told me to return Amy's to her
24 mother. Her mother was out in the lobby. And I brought her out
25 there and they were hugging each other and Mrs. Bishop stated

1 that she had lost her son today and she didn't want to loose her
2 daughter, too.

3 Q And did you ever see Mr. Bishop arrive at the police
4 station?

5 A I knew he was there, but I don't believe I had any
6 interaction with him.

7 Q Did you have occasion to see the rifle that was taken from
8 Amy on this date?

9 A The shotgun?

10 Q Yes?

11 A I'm sure I did but I don't recall where.

12 MR. NELSON: I have no further questions, your Honor.

13 Thank you.

14 THE COURT: Just give me one second, Lieutenant, if you
15 would?

DIRECT EXAMINATION

16
17 (BY THE COURT)

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1 Q And so what happened? I mean --

2 A And so --

3 Q -- so you talked to him that day or after that day?

4 A I'm sorry, your Honor?

5 Q You spoke to Lieutenant Sullivan that day?

6 A I think it was that day, yes, after I escorted Amy out to
7 be with her mother, I went back and we talked about what had
8 happened.

9 Q And clearly because at some point you learned that she had
10 gone to Dinger Ford; right?

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1 Q And did you ever have a conversation with Captain D'Amico
2 yourself?

3 A No, I did not.

4 Q And did you ever after that day, did you ever talk to
5 anybody about any of the charges either the death of Seth
6 Bishop, the pointing at the officers or pointing at the two
7 employees at Dinger Ford?

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q And did you talk to the investigating detectives?

19 A No, I did not.

20 Q Okay. You didn't talk to the investigating -- I
21 understand, you were the street supervisor?

22 A I was, your Honor.

23 Q And you were dealing with the uniform patrolmen; correct?

24 A Right. And we turned all our reports in, and we figured
25 that they would go to the detective bureau and that they would

1 be -- I mean everything was there, I mean for them to evaluate.
2 I mean I don't know how it would have turned out if, you know,
3 just it's the way it is.

4 Q So I assume you never spoke to anybody in the State Police
5 either?

6 A I don't believe anybody ever interviewed me, no.

7 Q Okay. And no one from the District Attorney's Office?

8 A No.

9 THE COURT: Anything else?

10 MR. NELSON: No, your Honor.

11 THE COURT: Thank you very much, Lieutenant.

12 THE WITNESS: Thank you.

13 THE COURT: Can Lieutenant Brady be excused?

14 MR. NELSON: Yes, your Honor.

15 THE COURT: Thank you very much.

16 THE WITNESS: You're welcome.

17 (Witness excused.)

18 MR. NELSON: James Leahy?

19 THE COURT OFFICER: James Leahy? You can stand or sit
20 whichever you prefer.

21 THE WITNESS: I'll sit.

22 THE COURT: You may proceed. Thanks.

JAMES LEAHY, Previously Sworn

DIRECT EXAMINATION

25 (BY MR. NELSON)

1 Q Sir, would you identify yourself for the Court, please?

2 A My name is James Francis Leahy.

3 Q And would you spell your last name?

4 A L-e-a-h-y.

5 Q And, sir, I want to direct your attention to December 6th
6 of 1986, could you tell us how you were employed at that time?

7 A Yes, I was.

8 Q How were you employed?

9 A I was a detective.

10 Q In Braintree?

11 A Braintree Police, yeah.

12 Q Do you recall on that date of December 6th of '86, do you
13 recall responding to 46 Hollis Avenue?

14 A Can I answer that very frankly?

15 Q Sure.

16 A I, up until today, I didn't believe I was actually there,
17 until I started talking to some of the other fellows. My memory
18 is pretty well gone but apparently I was there.

19 Q And do you have a current memory of it or is it refreshed
20 by speaking to --

21 A I really don't. No. The fellows did tell me that I was
22 there, but I --

23 Q You don't have a memory of it?

24 A -- I don't have a memory of it. I'm embarrassed about
25 that.

1 Q Were you familiar with a Detective Carey?

2 A I had met him.

3 Q And do you recall working with him at that time?

4 A No, I don't.

5 Q Okay. Do you have a current memory of requesting someone
6 to come out to this address at 46 Hollis Ave. to take
7 photographs?

8 A No, I don't.

9 Q No. Okay. And in speaking with the other officers that
10 did not refresh your memory as to being at the scene?

11 A No.

12 Q No. Just --

13 A They told me that I was there.

14 Q They told you that, but you still don't remember?

15 A And I still don't remember.

16 MR. NELSON: Thank you. I have no further questions.

17 DIRECT EXAMINATION

18 (BY THE COURT)

19 Q You don't remember anything I take it, sir?

20 A I have trouble with my grandchildren's names.

21 Q That's okay.

22 A I really don't, your Honor.

23 THE COURT: All right. Thank you. You can be excused.

24 Thank you very much.

25 THE WITNESS: Thank you very much.

1 (Witness excused.)

2 MR. NELSON: James Sullivan?

3 THE COURT OFFICER: Just take the stand, please, sir. You
4 can sit or stand whichever you prefer.

5 THE WITNESS: Good afternoon, your Honor.

6 THE COURT: Lieutenant, how are you?

7 JAMES SULLIVAN, Previously Sworn

8 DIRECT EXAMINATION

9 (BY MR. NELSON)

10 Q Sir, would you identify yourself for the Court, please?

11 A James R. Sullivan retired Deputy Chief, Braintree Police.

12 Q Sir, I want to direct your attention to the Sixth of
13 December of 1986, were you a member of the Braintree Police
14 Department at that time?

15 A Yes, sir.

16 Q And do you recall what your rank was at that time?

17 A Lieutenant.

18 Q On that particular date of the Sixth of December, do you
19 recall were you on duty that day?

20 A Yes, sir.

21 Q And do you recall what your duties were at that time?

22 ~~A I was the evening shift watch commander~~

23 Q And what are the duties of the watch commander?

24 A I'm in charge of the street sergeant, all the patrolmen
25 inside the station, all the patrolmen working the street and any

1 of the calls that come in and out of the station. I was also in
2 charge of writing in the day log incidents that happened.

3 Q If I could show you this document here, and in reference to
4 the day log is that what that sheet of paper is there?

5 A Yes, it is.

6 Q And would it be fair to say the day log would be longer
7 than that one page?

8 A Yes. This is just a copy of what happened. This would go
9 until 2215 hours, my shift.

10 Q All right. And that particular page there indicates some
11 things that happened at 46 Hollis Ave. or concerning that
12 incident at 46 Hollis Ave. on that date?

13 A Yes, sir.

14 Q And is that your handwriting?

15 A Yes, it is.

16 Q Okay. And under 1422 and that would be 2:22?

17 A Yes, sir.

18 Q And you have written down "46 Hollis Ave. accidental
19 shooting" and then there's some code and "sudden death."

20 A I believe code 51, this is a long time ago, but I believe
21 code 51 is an ambulance call.

22 Q Okay. And the words "accidental shooting" how did you come
23 to put that down?

24 A That was, do you want me to go back to the why, the whole
25 reason why?

1 Amy Bishop was arrested originally by Officer Solimini and
2 Officer Timothy Murphy. She was brought to the police station
3 and I had previously already started the booking sheet. I had
4 already written down "murder, assault with a dangerous weapon,
5 two counts" meaning against Officer Solimini and against Officer
6 Timothy Murphy at that time. I wasn't aware of the other people
7 at that time.

8 And I had an interview with Amy Bishop. She was very calm.
9 And I asked her if she shot her brother on purpose, and she said
10 "No, she had not shot her brother on purpose." And then I was
11 interrupted by Sergeant Brady who told me to call Captain
12 D'Amico right away. Instead of calling Captain D'Amico, I
13 walked out to his office, so that I couldn't be overheard by Amy
14 or by her mother, Judy Bishop. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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19 Q At 1445, you have a notation that the matron is on duty?

20 A Yes.

21 Q And that was Lucy Polio?

22 A Yes.

23 Q And when you put down 1445 is that the time that she
24 arrives or?

25 A No. It's probably the time that the clerk at the police

1 station -- it would have been either Officer Mahoney or Officer
2 Belcher who would have struck a card, this is pre-computer,
3 would have struck a card on a time clock when they called her
4 in. I'm writing this later on at nighttime. I'm going back to
5 the card that's struck at 1445 hours that Lucy, that the matron
6 was called on duty.

7 Q And then the last sort of highlighted notation you have is
8 relative to Seth Bishop having passed away?

9 A Yes. Officer Finn called me and told me that Seth Bishop
10 had passed away at the Quincy City Hospital.

11 MR. NELSON: And, Judge, could I ask that this be marked as
12 an exhibit?

13 THE COURT: Yeah.

14 (The clerk marks the report as Exhibit Number 33.)

15 (BY MR. NELSON)

16 Q Now, you were present at the time that Amy Bishop was
17 brought into the station by Officer Solimini?

18 A I was not. She was already in the booking room when I
19 walked in the booking room.

20 Q Okay. So when she's first brought into the station, were
21 you there then or?

22 A ~~She was brought in the back door, but I was at my watch~~
23 command position out in front of the station.

24 Q And at some point in time, are you present when she's
25 interviewed?

1 A Yes.

2 Q And you give her her Miranda Rights?

3 A Yes, I did.

4 Q And you had a conversation with her then?

5 A Yes.

6 Q And during the course of that conversation, she was
7 agreeable to speaking with you?

8 A Yes.

9 Q The conversation that you had with her, when it ends, is
10 Mrs. Bishop there then?

11 A Yes. Mrs. Bishop -- Excuse me. Mrs. Bishop was brought
12 back by Sergeant Brady to the booking room, and she told Amy
13 that she didn't want her to answer any more questions. Well,
14 Amy wasn't a juvenile, so I thought I still had the right to ask
15 her questions. She was 18. But then Amy said that she was
16 going to listen to her mother and that she didn't want to answer
17 any more questions.

18 Q And would it be a normal situation when you're interviewing
19 someone that's under arrest for someone to be brought into the
20 place where you're doing the interview?

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1 Q So at the time when you're interviewing Amy Bishop and Mrs.
2 Brady (sic) comes into the room --

3 A Mrs. Bishop.

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q Can you tell us the content of until the time that Mrs.
13 Bishop comes in and tells Amy not to say anything more, what had
14 Amy said to you?

15 A The only thing I can recall is she was calm and she had
16 started to tell me that there had been a "spat" between her and
17 her father earlier in the day. How much earlier in the day was
18 never established. But she said she had a spat with her father
19 earlier in the day. And then I think the only other thing I
20 might have asked her, I don't remember, if I could see the
21 report, I think the only thing I asked her was --

22 Q If you were able to read your report, would that refresh
23 your memory?

24 A Yes. Would you like me to read the whole report?

25 Q Just to yourself.

1 A Oh, I'm sorry. Okay. I recall this now.

2 Q And in refreshing your memory, what do you recall the
3 conversation being?

4 A I did have the conversation with her about the family spat.
5 I did have the conversation with her about she believed that
6 there had been robbers in the neighborhood and that's why she
7 had loaded the shotgun. She did have the conversation that she
8 went down and asked her mother how to upload the shotgun,
9 because she said she had only practiced loading it. She had
10 never been taught how to unload the weapon. So she went down to
11 ask her mother how to unload it.

12 And she also told me that a round had gone off, I believe
13 it was in her bedroom, an accidental discharge in the bedroom.
14 She made a hole in the wall and she tried to cover it up with
15 something. I don't recall exactly what it was she tried to
16 cover it up with. After that accidental shooting in the
17 bedroom, that's when she went down to ask her mother if she knew
18 how to unload the shotgun.

19 Q Did you ever go out to the house yourself?

20 A No.

21 Q And during the course of the investigation, did anyone from
22 the State Police ever come and speak to you?

23 A No.

24 Q I'm going to show you this form and can you identify what
25 that is?

1 A This is the form that would go on the folder, the court
2 folder that would be stapled onto a manila folder, and the
3 charges would be listed here, the witnesses who were put on here
4 and the name of the defendant and the case number, obviously.
5 This is a court -- this isn't a booking sheet. This is a court
6 folder.

7 Q Okay. And is that made out at court rather than --

8 A No. At that time, the clerks in the police station used to
9 actually type up the application for complaints. Again, this is
10 before computers. We used to actually type up the application
11 for complaints. This was probably made out by one of the clerks
12 in the police station, who at that time knew who the defendant
13 was and who the officers and the witnesses were at the time.
14 But she was released so that was never completed.

15 Q All right. And there were no charges that were placed on
16 this folder?

17 A No.

18 Q Okay. This isn't your handwriting?

19 A No.

20 Q I want to show you this report. Were you familiar with
21 Detective Carey?

22 A Yes. I called him into the police station.

23 Q All right. And are you familiar with his handwriting?

24 A Yes, sir.

25 Q All right. And is that his handwriting on that?

1 A Yes, it is. He actually worked with me when I was in crime
2 research. I worked with him quite closely. This is definitely
3 his handwriting.

4 Q And that is his signature at the bottom?

5 A Yes, it is.

6 Q And that particular report is relative to his presence at
7 the autopsy for Seth Bishop?

8 A I'd have to read it.

9 Q All right. Read it just as to this line up here?

10 A Oh, I'm sorry. Yes, it is.

11 Q Okay. And when you worked with -- Is it fair to say that
12 Detective Carey's now deceased?

13 A Yes, he is.

14 Q And when you worked with Detective Carey, did you know him
15 to be the individual to go out and take photographs at various
16 locations?

17 A Yes.

18 Q I just show you these photographs and the writing that's on
19 the back of those photographs is that a writing of Detective
20 Carey?

21 A I believe it to be, yes. Yes.

22 Q And that indicates that these photographs are regarding the
23 Hollis Ave.?

24 A Forty-six Hollis Ave. incident; yes.

25 MR. NELSON: I have no further questions.

1 THE COURT: I just have a few.

2 DIRECT EXAMINATION

3 (BY THE COURT)

4 Q Now, when was Detective Carey called in?

5 A Detective Leahy called me from the scene and requested
6 someone to bring a camera up to the location and have the
7 pictures taken. And I think that the reason why I called
8 Michael Carey I think he was on call that Saturday. So I called
9 him into the station and told him to get the camera and go up
10 and assist Jim Leahy at the scene.

11 Q Okay. But then he came back to the station?

12 A Yes.

13 Q Okay. And he interviewed Amy Bishop at some point?

14 A No. I'm sorry. He interviewed Amy Bishop maybe eight to
15 ten days later with Trooper Howe but not the day of this
16 incident.

17 Q All right. Okay. All right. That explains that. Now,
18 you spoke to that day on December 6th, you spoke to both Captain
19 D'Amico and Captain Buker?

20 A Yes, I did.

21 Q Independently?

22 A Independently with D'Amico, together with D'Amico and Buker
23 down in Buker's office.

24 Q Okay. Buker came in, too? You asked him to come in?

25 A I called him in because of the incident.

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[REDACTED]

THE COURT: Okay. All right. Anything further?

MR. NELSON: No, your Honor.

THE COURT: Thank you very much, Deputy.

THE WITNESS: Thank you, your Honor.

(Witness excused.)

THE COURT: Is that it for today?

MR. NELSON: We're flying here. I do have James Sharkey present. He was in charge of CPAC at the State Police at the time.

THE COURT: Okay.

MR. NELSON: Other than him, but Polio's --

THE COURT: They're coming in tomorrow afternoon?

MR. NELSON: In the afternoon.

THE COURT: Yeah.

MR. NELSON: I have Pettigrew and Doyle will be here.

THE COURT: They're coming tomorrow morning?

MR. NELSON: Right.

THE COURT: Yeah.

1 MR. NELSON: We'll have them in the morning. We have
2 Trooper Arnold who can do the ballistics. Rodney MacDonald who
3 was the Braintree --

4 THE COURT: Well, Trooper Arnold is the ballistics?

5 MR. NELSON: Right.

6 THE COURT: I thought you said Trooper Howe.

7 MR. NELSON: No -- no.

8 THE COURT: Okay.

9 MR. NELSON: I can have Trooper Howe here tomorrow. We
10 have Trooper Arnold, who did the ballistics. Rodney MacDonald
11 was the one that brought the gun up to ballistics and picked it
12 up.

13 And then John Kivlan had asked if he could come on
14 Thursday. So there was some congressional things going on so.

15 THE COURT: Okay. Just tell me, picked up which gun and
16 took it to ballistics?

17 MR. NELSON: The rifle.

18 THE COURT: Okay.

19 MR. NELSON: He's the one that took it to the ballistics
20 and he tested it. And after it's tested, he picks it up and he
21 brings it back to Braintree.

22 THE COURT: Okay. And is there a ballistics report?

23 MR. NELSON: Yes.

24 THE COURT: All right. Do I have the ballistics report?

25 MR. NELSON: I think you should. If you don't, I'll get it

1 to you today.

2 THE COURT: Okay. Yeah. I'd like to get the ballistics
3 report.

4 MR. NELSON: Okay.

5 THE COURT: So do you want to call Sharkey today or do you
6 want to call Sharkey tomorrow?

7 MR. NELSON: If I could call him today, his wife is not
8 doing -- he came in from Las Vegas, and his wife is not doing
9 well. So if I could get him out of here.

10 THE COURT: Okay. You want to do that now?

11 MR. NELSON: And then that will be done. That would be
12 fine.

13 THE COURT: Okay. And I am going to want Judy Bishop to
14 come back tomorrow. I'm going to re-interview her. We have to
15 put her back on the stand tomorrow.

16 MR. STEVENS: What time do you want her?

17 THE COURT: I think after Chief Polio.

18 MR. STEVENS: And that is late afternoon?

19 THE COURT: I would say -- Well, Chief Polio is coming in
20 at two. I would say I'd want her here at 2:30, between 2:30 and
21 3:00.

22 MR. STEVENS: Can she make the same arrangements to come
23 in?

24 THE COURT: She could call the chief court officer and make
25 arrangements to get her in.

1 So is Trooper Sharkey the last one?

2 MR. NELSON: Is he here?

3 THE COURT OFFICER: Yes, he is.

4 THE COURT: Does it make sense to put Trooper Arnold on
5 this afternoon or does he need more testimony before he
6 testifies? I mean does he need to hear anything more about the
7 State Police investigation because that's really tomorrow?

8 MR. NELSON: He's ready if you want. We can do that.

9 THE COURT: Well, unless he needs to hear any more
10 testimony tomorrow. The State Police I think don't have really
11 much independent --

12 MR. NELSON: No.

13 THE COURT: No offense to you, Trooper. And he's got the
14 ballistics report I take it?

15 MR. NELSON: Yes.

16 THE COURT: So I mean it's really the Braintree reports
17 that he needed to hear today and the reports from what Mrs.
18 Bishop and Amy Bishop had said.

19 MR. NELSON: Right.

20 THE COURT: So if he's prepared to talk about that this
21 afternoon, that would be -- Again, I'm going to leave it up to
22 you. You can speak to him during lunch --

23 MR. NELSON: Right.

24 THE COURT: -- and see if he needs any more information,
25 so.

1 MR. ARNOLD: I'm all set.

2 MR. NELSON: He's all set?

3 THE COURT: Okay. All right. Good.

4 JAMES H. SHARKEY, Previously Sworn

5 DIRECT EXAMINATION

6 (BY MR. NELSON)

7 Q And, sir, would you identify yourself for the Court?

8 A Pardon?

9 Q Identify yourself, please?

10 A Oh, my name is Detective/Lieutenant/Inspector James H.
11 Sharkey, S-h-a-r-k-e-y.

12 Q And, sir, I want to direct your attention to December 6th
13 of 1986.

14 A Yes.

15 Q And can you tell us how you were employed at that time?

16 A I was employed as the commanding officer of the Norfolk
17 County CPAC Unit in Dedham, Mass.

18 Q And what were your duties as the commanding officer?

19 A Well, there were numerous duties from investigations that,
20 you know, I would distribute the investigations to the limited
21 amount of men that we had at the time and to investigate the
22 homicides, which come first with us. Then were the suspicious
23 deaths and suicides and any type of deceased person.

24 Q And are you familiar with an incident that took place in
25 Braintree, Massachusetts on December 6th of 1986 on Hollis

1 Avenue?

2 A I am.

3 Q And was there a trooper assigned to your unit that was
4 assigned as the, say case officer for this case?

5 A Not at that time, no. But how that came down, your Honor,
6 was it was on the Fifth but it started with us. The Fifth I was
7 the commanding officer, and they had received a search warrant
8 from Judge Donahue at the Norfolk Superior Court and we were
9 there running a wiretap and we also had a search warrant to be
10 served. And we worked most of the day from the time I even got
11 in the office, I got the warrant and everything around ten
12 o'clock in the morning.

13 I worked with putting the raid together in the office. I
14 had there was a Trooper/Corporal named Zeth, was actually one of
15 the officers that had been working on this and this was a
16 combination between a drug raid and a race fixing, track fixing
17 situation. So after I had the warrant, I had all the officers
18 set up that day. This is a Friday. And about five or six
19 o'clock, we were about ready to go, and we headed over, then
20 down to the Foxborough PD or in that area. We kept a ways away
21 because there were drug dealers there and we had two extra
22 police officers, colored, what we call them, marked automobiles
23 and then unmarked cars. And I had with me Trooper Corporal Zeth
24 and Trooper Howe and there were five or six even Foxborough
25 Police Department.

1 When we got there in the early morning hours of -- Excuse
2 me. Sorry. Oh, well, we set up the raid and we got ready to go
3 and at exactly 1:37 a.m. on a Saturday morning, December 6th, we
4 raided the location at Foxborough.

5 Q And Trooper Howe was with you during the course of that?

6 A Positively.

7 Q Okay.

8 A He had been with me all day or all the morning, and he
9 helped on that.

10 And we entered the raid and in the raid we did recover at
11 the raid, we had five or six people in there, and we did recover
12 I believe it was \$3,400 and -- \$4,300 and we recovered an amount
13 of white powder, which was sent to the lab.

14 Q And so what time did that end?

15 A We got in the building itself at 1:37 a.m., and we left the
16 building itself, which was a trailer at 3:25 a.m. We were in
17 the building the duration of one hour and 48 minutes.

18 After we had gained and the search warrant was exhibited
19 and everything went actually well we found.

20 Q So now after you finish with that at three o'clock or so
21 in the morning, do you then go back --

22 A Three twenty-five, yes.

23 Q Do you then go back to the office, or?

24 A No. We went back to, and we were split up, because we had
25 so many cars. And we went back to the Foxborough Police

1 Department. Then to my recollection, I went back to the office
2 because there was money involved and there was drugs, and I was
3 the only one that had a safe, a big rolling safe. And there's a
4 good possibility I put the money in that safe and to satisfy the
5 search warrant. And that was, I didn't get home that morning
6 until I'd say daybreak.

7 Q Now, at some point in time later in the day, do you receive
8 information that there's been a shooting in Braintree?

9 A No.

10 Q No. At some point in time, you find out about the shooting
11 in Braintree?

12 A Actually, I didn't find out about the shooting in Braintree
13 until I was, that I can recall, I really can't, until I received
14 the report, a six-page report come down for the assistant
15 district attorney and Trooper Howe.

16 Q Okay. So now, when you were in charge of the unit --

17 A Yes. Now, I might mention too at that time in the unit, it
18 isn't like it is today. We only had a total of eight men
19 including myself. Now, three of these men were assigned to the
20 drug unit. So that only left us five including myself and we
21 had two brand-new guys, detectives -- excuse me. And the two
22 detectives had just come from the troops and all we had really
23 as seasoned detectives was Murphy and Howe.

24 Q Now, so the first time you hear about the shooting in
25 Braintree is when you received the six-page report from Trooper

1 Howe?

2 A Yes. It came down through the ranks to me.

3 Q Okay. So when Trooper Howe finishes his report, who does
4 he turn it over to?

5 A Well, he'd be in with whoever the District Attorney was
6 assigned to it, the assistant district attorney was assigned to
7 the case.

8 Q And would that also include the First Assistant; if you
9 know?

10 A I would say in this case it was, only because I see it on
11 the top of the report.

12 Q And that was John Kivlan at the time?

13 A John Kivlan.

14 Q So the report that you received, you received through the
15 District Attorney's Office?

16 A Yes.

17 Q Okay. It's not given directly to you by Trooper Howe?

18 A It would be because of the conditions that existed at that
19 time. We were all in the same office, like the District
20 Attorney's Office was out front. My office was next in line,
21 and then all the assistants went down the line in the office
22 there. So we would be intermingling quite a bit.

23 Q And so when you receive the six-page report, that's your
24 first notice of the shooting?

25 A Yes.

1 Q Okay. And then do you get involved in it any further than
2 having received the report? After you receive the report, do
3 you ask for any further investigations?

4 A No. What I did when I received this report, I put the
5 number on it. We have a very efficient numbering system down
6 there. Then after I finished with it, I put the date on it.
7 Then I put my initials down in the corner. And most often I'd
8 read through it, and I usually read through them all. And
9 sometimes I didn't and sometimes I was, like, to be honest with
10 you, this day I think a couple of days before I was on a
11 rendition in Washington and then following that week the
12 following week, about a week we had another murder in Quincy.
13 And we had a -- not Quincy, I'm sorry, in Braintree. And we had
14 kind of a problem, because I only had two really young men that
15 were just starting out and they got to the scene that was a week
16 later down in Braintree, and as a result they called for help.
17 They were very, very -- and I had to send the other top man I
18 had down was Murphy. So that only left me the one man was Howe.
19 But I didn't have any -- I just read through it. And to the
20 best of my recollection, I read through it and I was satisfied
21 with their decision.

22 Q Okay. So after reading it over, you didn't request that
23 any further investigation be done to the best of your memory?

24 A No. I wouldn't basically go over anybody's head there.

25 Q And would that be something that the assistant district

1 attorney would do in the office at that time?

2 A Oh, yes. Yeah. We had a procedure there and whenever
3 there was a homicide or a suspicious case or anything else, and
4 many of them I went on myself, but always a district attorney
5 went with me and met me there. Bob Banks was then the First
6 Assistant and he was very, very strict. And many times, I
7 always had a procedure I followed, if I got the call at home and
8 it was a homicide or anything like that, I immediately called
9 the Bureau of Photography and Fingerprinting and had them get
10 over there to the scene. They sometimes got there ahead of me.
11 And then I'd call Robert Banks, the First Assistant.

12 Q So he was the First Assistant in '86?

13 A Yup. Well, he wasn't at that time.

14 Q Okay.

15 A I think it was John Kivlan.

16 Q Okay.

17 A I'd get in touch with the First Assistant and he'd tell me
18 who was going to be the attorney for the case, the assistant for
19 the case.

20 Q Okay.

21 A On numerous cases, my cases anyhow, the assistant DA was
22 always at the scene.

23 Q Would it be unusual for a trooper not to go to the scene
24 the day that the shooting took place?

25 A No. That wouldn't be unusual. Like, we had many cases,

1 like suicides and, you know, suspicious deaths. And we just
2 didn't have the men to go around, but we like many cities, like
3 say Quincy, although they had top detectives and we could, you
4 know, they could tell us what to do, you know, give us a hint of
5 what was going on or let us know right away.

6 Q When someone's shot by another individual, would it be
7 unusual for someone not to go out?

8 A Not in the shootings.

9 Q No?

10 A No. That would be -- Yes. It wouldn't be because at that
11 time, like I know the statute reads whoever, you know, when
12 there's a suspicious death or anything like that, that a
13 representative of the District Attorney had to, you know, be
14 contacted. And however, in one certain -- Well, Town of Quincy,
15 it was indicated to be Captain Rowell to be the lead man or the
16 man to be contacted, But, however, I had no problem with that
17 because Captain Rowell was a very, very fine man.

18 Q So there were instances back when you were in charge when
19 you would allow the town's investigators to handle a matter?

20 A Yeah.

21 Q At least at the inset or the outset I should say?

22 A Yeah, sometimes. Yes. They'd wait for you. All the towns
23 were different. Some of them were like Quincy, they've got the
24 top detectives, everybody was top there and they assisted you
25 greatly. And in many, many of the cases that I went on in the

1 towns, the local police knew the area, knew everything, knew the
2 people, knew everything and they were very, very helpful.

3 MR. NELSON: I have no further questions.

4 THE COURT: Could I just ask you a couple things?

5 THE WITNESS: Yes, sir.

6 DIRECT EXAMINATION

7 (BY THE COURT)

8 Q Who would have assigned Trooper Howe to this investigation
9 if you didn't even learn about it until after?

10 A Well, I was home then because I --

11 Q No. I understand you had this whole, the drug raid.

12 A Yes.

13 Q And you were out 24 hours.

14 A Usually and if we ever had a position, got in a position
15 like that or were in, which we were in that time, we'd have two
16 on-call men.

17 Q The first man and the second man and they'd be at the
18 general headquarters.

19 A Uh-huh.

20 A And if they called from general headquarters for somebody,
21 and it was a murder, they'd take the top man and send the top
22 man immediately. And then he would call the DA or get him the
23 assistant DA to get him in charge and see if he could get him to

24 the scene. But as I say, this time we were awfully short of men
25 and probably only one man would have been on call.

1 Q So when you said "they would have assigned," who is they?
2 When the phone call comes in, and say --

3 A It comes into general headquarters.

4 Q Okay.

5 A And it's --

6 Q That's the DA's Office?

7 A No. There's nobody in the DA's. That would be closed.

8 Q All right. So it comes into the State Police?

9 A Into State Police headquarters and they'd look up to
10 Norfolk and see who --

11 Q And see who's on call?

12 A -- the call list was and they'd call him at home.

13 Q Okay. And did you ever have any conversations with Trooper
14 Howe at all once you received this report or?

15 A I don't recall having any conversations relative to this
16 because we were working on another murder.

17 Q Okay.

18 A We had I think it was now, I'm trying to think, and I don't
19 look in my reports. This murder was on a Saturday and I think
20 it was a week from Sunday we had another murder in Braintree.

21 Q Yeah.

22 A And we had, I had everybody there that I could get there.
23 And well, that was more or less the train of thought that was

24 going on there, that second murder, and we were working hard on
25 that.

1 Q And did you ever speak to the First Assistant District
2 Attorney about the Bishop murder?

3 A I don't recall talking to him about it. But I talked to
4 him basically on an every other day --

5 Q Yeah.

6 A -- thing, because he wasn't that far from my office. In
7 fact, we were really communicating between the cases, the three
8 or four assistant district attorneys all the time.

9 Q But you don't remember, you don't have a recollection
10 yourself of talking to him?

11 A I don't have a recollection of talking to him.

12 Q And I assume you never talked to the District Attorney
13 about this?

14 A No.

15 Q And did you ever talk to anybody in the Braintree Police
16 about the Bishop killing?

17 A No.

18 THE COURT: Okay. All right. Thank you very much,
19 Trooper.

20 (Witness excused.)

21 THE COURT: All right. Oh, you know what? I just have one
22 question before we break. We could do it after lunch, but is
23 there any pictures that show the relationship of the sink to the
24 stove?

25 MR. NELSON: I have a group of photographs, that are all

1 black and white; they were taken by Detective Carey.

2 THE COURT: Right.

3 MR. NELSON: Which I had asked to, I was going to ask to be
4 put into evidence. It does not appear though.

5 THE COURT: You don't see the sink?

6 MR. NELSON: I don't see the sink at all.

7 THE COURT: I didn't see the sink in any of those pictures
8 that are in there.

9 MR. NELSON: No. We do have the video but the kitchen part
10 has been remodeled. They have an island in the kitchen now.

11 THE COURT: Well, I want to either you or I, I want to ask
12 Mrs. Bishop when she's recalled about where the sink was in
13 relationship to the stove.

14 MR. NELSON: Definitely.

15 THE COURT: Okay. So should we break until 2:15?

16 MR. NELSON: Fine.

17 THE COURT OFFICER: May I bring something up, your Honor?

18 THE COURT: Oh, yes.

19 THE COURT OFFICER: We have the rifle here during the
20 luncheon break. It's not marked as an exhibit. I have no place
21 to store it.

22 THE COURT: Okay. Do we have a place if I mark it as an
23 exhibit -- Are you going to offer it as an exhibit?

24 MR. NELSON: When we get done, I don't know what you want.
25 Do you want us to take it at the end or?

1 THE COURT: We don't have a place to -- Do we have a place
2 to keep it?

3 MR. NELSON: It's signed out to the Captain, so.

4 THE COURT: The Captain doesn't want us to take it. Okay.
5 So who's going to take it during lunch? All right. What should
6 we do with it during the luncheon recess?

7 MR. CHRISTIANSEN: I can hold onto it, your Honor if that's
8 your pleasure.

9 THE COURT: I think probably is that the best thing?

10 THE COURT OFFICER: That would be good.

11 THE COURT: We just don't have a place --

12 THE COURT OFFICER: I just don't have a gun locker to store
13 it or any place to store it. The office is being used by the
14 auditors.

15 THE COURT: Okay. All right. Two-fifteen then.

16 MR. NELSON: Thank you.

17 (Court recessed at 1:15 p.m.)

18 (Court reconvened at 2:26 p.m.)

19 THE COURT: I'm assuming, Mr. Nelson, that Captain Buker is
20 deceased as well?

21 MR. NELSON: Yes.

22 THE COURT: Okay. So both Captain D'Amico and Captain
23 Buker are both deceased?

24 MR. NELSON: Yes. And Carey is also deceased.

25 THE COURT: Yeah. I knew that. All right.

1 MR. NELSON: Before calling Trooper Arnold, I have a report
2 from Detective Carey, who attended the autopsy.

3 THE COURT: Yup.

4 MR. NELSON: That may shed some light as to what took
5 place. So I'd ask that that be marked.

6 THE COURT: Okay.

7 (The clerk marks the report as Exhibit Number 34.)

8 MR. NELSON: His handwriting was identified by one of the
9 officers previously.

10 And then I have the photographs that were taken by
11 Detective Carey. I just put them all in one envelope.

12 THE COURT: That's fine. Yeah.

13 (The clerk marks the photographs as Exhibit Number 35.)

14 MR. STEVENS: What were the numbers of those?

15 THE CLERK: Thirty-four and thirty-five.

16 MR. STEVENS: Thank you.

17 THE COURT: And do you want to offer the ballistics report
18 now or do you want to do it through Trooper Arnold?

19 MR. NELSON: I can do it through Trooper Arnold.

20 THE COURT: Okay. All right.

21 MR. NELSON: Trooper Arnold.

22 THE WITNESS: Good afternoon, your Honor.

23 THE COURT: Trooper, you can sit or stand whatever you'd
24 like to do.

25 MICHAEL ARNOLD, Previously Sworn

DIRECT EXAMINATION

1

2 (BY MR. NELSON)

3 Q And would you identify yourself for the Court, please?

4 A My name is Michael Robert Arnold, A-r-n-o-l-d.

5 Q And could you tell us how you're employed?

6 A I'm a State Police Officer currently assigned to the
7 firearms identifications section at the State Police Crime Lab,
8 Lakeville, Mass.

9 Q And how long have you been a Trooper?

10 A Since 1968.

11 Q And how long have you been assigned to the ballistics unit?

12 A Since 1976.

13 Q And would it be fair to say that since that time, you've
14 had occasions to testify in court and qualified as an expert
15 concerning ballistics issues?

16 A I have.

17 Q And, approximately, how many times?

18 A I've been qualified as an expert in Federal Court in
19 Massachusetts, Superior Court, District Court in Massachusetts,
20 approximately 500 times. I've testified here. I've testified
21 in the State of New Hampshire as an expert in firearms and in
22 the State of Rhode Island as an expert in firearms.

23 Q And during the years that you've been in the ballistics

24 unit, you've taken special courses in that particular field?

25 A I have. I graduated from Smith and Wesson Armory School at

1 their plant in Springfield, Mass.; Ruger Armory School at their
2 plant in Newport, New Hampshire; Glock Armory School, which was
3 at the Boston Police firing range; Six-Hour Armory School, which
4 was held at our academy.

5 I've had two years experience as a range instructor for the
6 Mass. State Police prior to joining the ballistics unit.

7 Q I want to direct your attention to the time period of
8 December of 1986 and specifically on December the 8th of 1986,
9 was there a firearm that was submitted to the ballistics unit
10 for testing that being a Mossberg pump-action shotgun?

11 A That was; correct.

12 Q And was that an item that was tested by you?

13 A Yes.

14 Q And upon testing that did you make up a report regarding
15 the testing that you had done?

16 A I did.

17 Q And I'm going to show you this item here and can you
18 identify what that is?

19 A Yes. It is a 12-gauge Mossberg pump-action shotgun, model
20 500A.

21 Q And is that similar to the one that or the same model as
22 the one that you tested back in December of 1986?

23 A It's the same caliber, same make and same model.

24 Q Can you tell us the examination that you did on the actual
25 gun that you received back in 1986?

1 A It was on December 8th of '86, a Detective Rodney MacDonald
2 of the Braintree Police Department submitted a 12-gauge Mossberg
3 shotgun, Model 500A, serial number J611945, along with that
4 shotgun were two live 12-gauge Remington-Peters Number four shot
5 shells, one discharged Remington-Peters 12-gauge Number four
6 shot shell, a plastic hospital jar containing 19 lead pellets
7 and a portion of plastic shot shell wadding material.

8 It was reported to me that the Mossberg was the shotgun
9 involved in an accidental shooting in Braintree of Seth Bishop.
10 The plastic jar, there was a hospital container or an autopsy
11 container from the material removed from the victim I assume at
12 his autopsy, the pellets and the wadding material.

13 Collectively, I examined all these items at a later date.

14 Q And do you recall how long it was after that that you
15 actually examined it?

16 A I examined these items on February 5 of 1987.

17 Q And when you examined the firearm, what would you do in
18 regards to the firearm itself?

19 A I noted down the caliber, the manufacturer's markings, the
20 model number, the serial number and I measured the barrel
21 length, determined that to be 18 and one-half inches.

22 I test fired the weapon using two of the submitted live
23 shot shells. I conducted a trigger-pull test and determined

24 that the trigger on the evidence weapon, the evidence Mossberg
25 shotgun, the trigger pull measures five to five and one-half

1 pounds of pressure to fire the weapon.

2 I also did what is called a shock test. A shock test
3 involves cycling the weapon to cock it with the slide forward
4 and the barrel forward, it's in battery condition ready to be
5 fired by pulling the trigger. With it cocked like this, I took
6 a rubber mallet and struck the weapon on all sides of the
7 receiver, on the butt of it, on top of the butt of it, on the
8 muzzle, on the pump action itself, on the top of the barrel and
9 checked to make sure it did not discharge. It didn't. It shock
10 tested okay. There were no malfunctions to the weapon.

11 I examined the 19 lead pellets that were submitted with the
12 weapon. To examine these, they were too distorted to do a
13 diameter measurement on them. So what I did in this case is
14 take five of the most in tact or the five best conditioned
15 pellets from that jar and weighed them. The total weight of
16 five of them was 17.0 grains.

17 I then made pristine unfired shot shell pellets that I have
18 in my inventory and found a weight of them. I weighed first
19 number two shot, which is a little bit larger than the remainder
20 of these pellets. The weight of five number twos was 24.1
21 grains. I weighed four, number four pellets in pristine
22 condition. They weighed 16.7 grains. I then weighed five
23 number five pellets and found their weight to be 13.4. From
24 this I determined that the evidence pellets from the hospital
25 jar were consistent with number four lead shot.

1 I did a diameter measurement on the shot shell wadding,
2 which in this case was a plastic shotcup, commonly called a
3 Remington Power Piston, which is a trademark for Remington
4 ammunition. The base diameter is .697,000 of an inch to
5 .705,000 of an inch. That diameter is consistent with 12-gauge.
6 So I knew now the wadding was 12-gauge and the pellets were
7 number four, which was consistent with the ammunition submitted
8 with the shotgun.

9 Also submitted with the shotgun, we have a discharged shot
10 shell Remington-Peters number four. I did at this point a
11 microscopic comparison of the two live shot shells that I fired
12 through the evidence shotgun to see if in fact they could be
13 identified using a dual-stage comparison microscope. Once I was
14 satisfied that I could identify the two shot shells that I fired
15 through the evidence shotgun, I then compared those two against
16 the evidence discharged shot shell that was submitted with the
17 weapon, looking at the breech-face markings, firing pin
18 impression markings on that shot shell and formed an opinion
19 about that evidence discharged shot shell.

20 Q And what was that opinion?

21 A That it was fired by a 12-gauge Remington Mossberg, Model
22 500A, serial number J611945 and no other weapon.

23 Q Regarding this firearm, how many shells could it have in it
24 at one time?

25 A Again, we don't have the evidence shotgun here. A Mossberg

1 500 has been in existence, it was introduced in '62. And they
2 make it in very different variations, different barrel lengths,
3 different magazine capacities. The magazine on this gun is a
4 standard magazine, five rounds it'll hold. Additionally, one in
5 the chamber for six if you wanted to. The maximum would be six
6 rounds in this replica weapon.

7 They also make a magazine that holds six rounds. They make
8 a magazine that holds eight rounds. I don't know which magazine
9 that evidence shot shell had.

10 Q And how would you --

11 A That gun had.

12 Q How would you load the ammunition into the gun?

13 A Two ways of loading the weapon. First, was just to drop a
14 shot shell with the base of the shot shell in the rear, drop it
15 in the loading port, rack the slide, and it's loaded.

16 The other way is with the weapon in battery, loading it
17 through the ejection port, which is on the bottom of a weapon.
18 The magazine forward lever when depressed, there's a coil spring
19 running the length of the magazine tube and one by one the shell
20 will run up the magazine and there's two little steel clips,
21 spring-loaded clips on either side that hold the shells from
22 dropping down out of the magazine and it's loaded this way.

23 Q And after you fire the rifle, what's remaining is that
24 ejected?

25 A It has to be, it's a manually-operated weapon. So the

1 safety is on the top of the receiver. You see the red dot, it's
2 ready to fire. You move it to the opposite direction and you
3 see nothing. It's in the safe position now.

4 So in the fire position, pulling the trigger discharges the
5 weapon and now to cycle it and eject it and reload, you've got
6 to manually rack the slide to the rear. That ejects the shell.
7 On the forward motion, the carrier, if you lift that now, picks
8 up the shell from the magazine and brings it up into battery
9 again and it's ready for another shot with another pull of the
10 trigger.

11 Once it's in this condition with a round in the chamber,
12 and the weapons cocked, you can't operate the slide. The slide
13 is basically locked at this point. Firing it releases the
14 locking mechanism or there is also a disconnect lever here
15 behind the trigger guard. If you push that, it unlocks the
16 slide and you can empty the weapon.

17 You can also unload the weapon without touching anything,
18 by going with your thumbnail and depressing the side clip that
19 holds the shells in the magazine and that spring will force it
20 down with your finger and you can take them out one by one
21 without going through the action at all this way by depressing
22 the spring clip in here.

23 Q And if the gun fires, and hypothetically in this case if it
24 was fired up in the bedroom --

25 A Right.

1 Q -- and then fired again down in the kitchen area --

2 A Right.

3 Q -- in order to get another shell, to load it --

4 A If it was fired upstairs --

5 Q Right.

6 A -- the gun would have a discharge in the chamber. The only
7 way to get that discharge out is to rack the slide.

8 Q Right.

9 A It will eject the discharge and that will reload it if
10 there's rounds in the magazine, you've got to run the slide
11 forward again. If the gun is empty, you can drop a live shell
12 into the ejection port here and run the slide forward and it
13 will load it. You will have one in the chamber and nothing in
14 the magazine at this point. But that slide has to be operated
15 to clear the weapon to get the discharge out or to unload the
16 weapon from the chamber you've got to rack the slide.

17 Q And when the gun is fired, say like in a bedroom area --

18 A Yup.

19 Q -- can you testify at all as to what the sound of that
20 would be like?

21 A Horrendous. In a closed confined room, you wouldn't hear
22 for the rest of the day if you fired this without hearing
23 protection.

24 Q And when the gun was brought in to you by the Braintree
25 Police, did they bring you any reports as to the condition it

1 was in as far as being loaded or not when it was initially
2 found?

3 A There was no additional police reports submitted with the
4 weapon. It was submitted, weapon, two live shot shells, a
5 discharged shot shell, hospital container with pellets and the
6 wadding, that was it. There was no paperwork or police
7 information submitted with it.

8 Q And do you have an opinion as to, if the gun is being moved
9 from one side to another, is it possible when the shot hits an
10 individual that the shot would go straight in without rather
11 than being held straight saying if it's in movement?

12 A Movement wouldn't make a difference on the shot pattern.
13 The angle it was held could make a difference on the projectory
14 of the wound. But, again, it's hard to pin that down because
15 you don't know exactly how the victim in this case was standing.
16 In other words, if the gun was pointed up a little bit, it
17 should be an upward angle. But what if the victim is leaning a
18 little forward? That would change the angle or if the victim
19 was leaning back and the gun was level; it's going to be an
20 upward angle. So unless you had a stationary target that wasn't
21 moving at all, it doesn't matter which way this gun was angled
22 because we don't know exactly what position the victim was in.

23 ~~Q Now, you had testified that you did some testing on the~~
24 trigger pull?

25 A Correct.

1 Q And what does that mean when you said five to five and a
2 half pounds?

3 A What it means is the amount of pressure on the trigger to
4 trip the seal or discharge the weapon, you'll hear it fall, five
5 to five and a half pounds on the evidence weapon, which is a
6 normal trigger pull I would expect from a Mossberg pump-action
7 shotgun.

8 Q And you had indicated some of the other testing that you
9 did with a mallet?

10 A Shock testing.

11 Q Right. And there was testimony that at the time that the
12 gun was fired and Seth Bishop was hit that Amy Bishop did not
13 have her finger on the trigger?

14 A Yes.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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MR. NELSON: I have no further questions, your Honor.

DIRECT EXAMINATION

6
7

(BY THE COURT)

8 Q Is there, only on the trigger, is there only one pull, it
9 doesn't stop midway and?

10 A No. I know what you're saying, like a military trigger
11 pull where you take up the slack in the trigger and then a
12 second pull to discharge. No.

13 Q So there's only one pull on this?

14 A Correct.

15 Q And it would take five to five and a half --

16 A Yes.

17 Q -- pounds to pull it back?

18 A Correct. And it's one steady motion. There's no take up
19 of this trigger and then I release it. It's a steady pull.

20 Q And just so that I understand, and I'm pretty sure I
21 understand. If the gun went off upstairs, Amy would have had to
22 rack the gun again to eject the bullet?

23 A Correct.

24 Q Rack it again to load another shell?

25 A If she had the magazine loaded --

1 Q Yeah.

2 A -- then she'd have the chamber loaded, one in the chamber
3 and even if she just had one in the magazine, there would just
4 be one rack. She would --

5 Q I see.

6 A -- fire the gun.

7 Q Yeah.

8 A And have to once to eject the discharge on the forward
9 motion, which would load the one from the magazine.

10 Q But she's have to push it back?

11 A Absolutely.

12 Q She'd have to pull it back and then pull it forward again?

13 A Yes. It's a possibility depending on how she was holding
14 it that on the first shot the slide could have come back on a
15 recoil of the gun, not all the way back. I've never seen one
16 completely ejected from the gun but I've seen -- I've seen
17 shootings where there's no contact with the slide. The gun is
18 fired, the slide moves back on the recoil and leaves the
19 discharged shell kind of half in, half out of the loading port
20 or the ejection port, but you would definitely have to clear it
21 the rest of the way and then push it forward. No way would it
22 go forward on its own.

23 Q And in order for it to have gone off accidentally even if
24 her finger was on the trigger, I mean five to five and a half
25 pounds is a fair amount of pressure; right?

1 A Yes. You want to try it?

2 Q No. That's okay. You're saying the only way it could have
3 gone off accidentally even if her finger was on the trigger was
4 if someone was actually pulling it?

5 A Trying to pull the gun out of her hands, yeah.

6 Q And cause five and a half pounds --

7 A Right.

8 Q -- to go forward for her finger?

9 A Yup. That's the only way I know of of having it
10 accidentally be fired or unintentionally be fired. Because if
11 her finger was in the trigger guard or on the trigger and
12 somebody was trying to yank the gun out of her hand and that
13 would cause the weight of the pulling of the gun to set the
14 trigger off.

15 Q Now, there was some discussion -- how else do you get --
16 you mentioned that you could get the shells out by a little
17 spring mechanism there?

18 A Yes.

19 Q Is there any way -- What other way is there to unload?

20 A If the magazine was loaded and you wanted to unload it, but
21 you didn't know how to work that spring release, put the weapon
22 on safe, all right. So you lock the trigger mechanism, depress
23 ~~this takedown button on the bottom and just keep cycling it and~~
24 one by one it will rack those shells from the magazine in the
25 chamber and eject them.

1 Q Now, there was some, and I can't remember where I read it
2 now, about trying to remove the base of the gun to get shells
3 out?

4 A What I believe that you are talking about, Mossberg makes
5 a, they make a number of configurations of this type of shotgun.
6 This one here has the hardwood stock and a hardwood pull shot.
7 Some of them have a composition. It's usually black in color or
8 camouflage color and a black composition stock. They also make
9 a pistol grip black composition that goes on this gun. All of
10 them are just by a two fold that are held by a single bolt that
11 goes through the butt stock and into the receiver. The pistol
12 grip is a shorter one that goes through the back of the pistol
13 grip and into the receiver.

14 They make a stock that holds on one side it has a spring
15 loaded, similar to this magazine, it holds two extra shells in
16 the stock. You can't feed them into the bottom from here, but
17 you can carry them, and you could flip it over and on the other
18 side it holds two. So it's just you're carrying four extra
19 shells but there's no way to get them into the gun without
20 removing them from the butt stock and then loading them into the
21 gun or through the magazine or through the chamber.

22 Q And there's no way of removing the butt stock to get out
23 the shells that are already in the magazine?

24 A No -- no.

25 Q All right.

1 THE COURT: Just give me one second.

2 (BY THE COURT)

3 Q How close would the shotgun have been to Seth in order, if
4 you know, if you could give me an opinion, in order for the
5 wadding to have been imbedded in his chest --

6 A Close.

7 Q -- which I believe --

8 A Very close. Again, I'm assuming that the hospital jar was
9 from the autopsy with the pellets and the wadding in the same
10 container, which tells me that they took the wadding out of the
11 same wound that the pellets came out of, otherwise they'd be in
12 separate containers.

13 With this type of weapon at close range, and when I say
14 close range, less than five feet, the shot wadding or shotcup in
15 this particular incident, would follow right with the pellets.
16 It takes about 15 to 20 feet before you have a separate -- In
17 other words, if you fired this from here to the screen that your
18 video has been transposed onto, you would get a blast from a
19 number four shot of about eight to ten-inch diameter, maybe as
20 big as a paper plate of the shotgun pellets at this range with
21 this firearm. Beside that probably six or eight inches and it
22 could be up, down, anywhere around that circle of pellets, you'd
23 find a separate hole. That's the wadding. That's the shotcup
24 it's broken away from the path of the shot and it's traveling
25 with it but it's breaking away. It would cause damage. It

1 would penetrate the screen here or penetrate a cardboard. But
2 it breaks away at about 15 to 20 feet and moves and then rapidly
3 drops off. But at extreme ranges, the whole thing is one mass
4 and it's going into the same wound channel. The pellets and the
5 wadding. So it's got to be real close.

6 Q So you're saying that testimony that it was four or five
7 feet that she was four to five feet away from Seth would be
8 consistent with this wound?

9 A Closer.

10 Q Closer than that?

11 A Maximum four or five feet and probably closer. And if you
12 had the diameter of the wound, you could do a little bit better.

13 Q And is there any way of -- is there anything that you read
14 or are aware of that would suggest that Seth had grabbed the
15 muzzle of the shotgun himself?

16 A Not from the testimony I've heard.

17 Q But anything, I mean would it even be conceivable with the
18 way the chest was, the chest wound was?

19 A I can't answer that.

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Q I have no other questions other than regarding this, this is the ballistics report that you completed regarding this?

A It is.

Q And that's your signature at the bottom?

A Yes.

Q And then these two other pages are the notes that you took as you --

A This is a worksheet when it was logged in, the description of the weapon. Also the receipt from when Rodney MacDonald picked it up on 2/17 of '87. This other copy within the back of this page, and those are my writings, the trigger pull and the shock test notation okay.

MR. NELSON: Thank you. And I'd offer, maybe these could be stapled together.

THE COURT: Yeah.

(The clerk marks the ballistics report as Exhibit Number 36.)

1 THE COURT: If you would, I just have another couple of
2 questions.

3 REDIRECT EXAMINATION

4 (BY THE COURT)

5 Q The evidence as I take it so far is that there was a
6 shotgun blast upstairs. There was the shotgun blast that killed
7 Seth and there was a live shotgun shell in the chamber at the
8 time the gun was seized and delivered to the Braintree Police?

9 A Well, I heard two versions of that; one that there was a
10 live shot shell in the weapon at Braintree PD and the weapon was
11 loaded, which would mean to me that it could have had rounds in
12 the magazine also in one of the chambers.

13 Q So there are either three or four shells that were loaded
14 at some point during the day?

15 A Or more. Let's say if the weapon had a five-round
16 magazine, it could hold five plus one for a total of six.

17 Q Right.

18 A At a max.

19 Q But the evidence we have that it was either three or four
20 plus one shell in her pocket that was seized; right?

21 A I believe so.

22 Q So --

23 A And maybe I heard the testimony that one shell was removed
24 from her pocket.

25 Q Right.

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7 Q I take it if you wanted to learn how to load a shotgun, you
8 don't need to load three or four shells?

9 A No.

10 THE COURT: There was one other question but I can't
11 remember it.

12 (BY THE COURT)

13 A Again, I'll just go over it. It could be loaded this way
14 with the bolt closed forward, loaded right through this. I'm
15 depressing the magazine spring with my finger up to four or five
16 shells in the magazine, or rack the slide to the rear, and
17 forget about the magazine, drop a round into this port here and
18 then just pull forward, that's the chamber. Now you've got the
19 one in the chamber.

20 Q Okay. There was some, one of the reports indicated that
21 Amy said that she was learning how to load the shotgun because
22 she was afraid of robbers?

23 A Yes.

24 Q But I take it you don't need to load -- that there would
25 have been at least three or four or more in that shotgun that

1

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THE COURT: Okay. Anything else?

4

MR. NELSON: No, your Honor.

5

THE COURT: That was very helpful. Thank you very much.

6

(BY THE COURT)

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THE COURT: Okay. Thank you so much.

14

(Witness excused.)

15

THE COURT: Anything else for today?

16

MR. NELSON: I think for today that's it, Judge.

17

THE COURT: Okay. Now, we'll just talk about scheduling

18

for tomorrow. We're going to start right at nine o'clock

19

tomorrow?

20

MR. NELSON: That's fine. Sure.

21

THE COURT: And who do you have coming? I know that all

22

three Polios are coming in the afternoon.

23

MR. NELSON: In the afternoon and then --

24

THE COURT: Including the daughter's coming in the

25

afternoon?

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8 THE COURT: Two o'clock, please. Is Chief Polio coming at
9 two; is that your understanding?

10 MR. NELSON: Two, yes, your Honor.

11 THE COURT: So unless she wants to hear Chief Polio's
12 testimony, if she doesn't want to, 2:30 I would say. I'd say
13 Chief Polio, you know, and the two others may be a half hour I
14 would say.

15 MR. NELSON: And then we have in the morning I have Thomas
16 Pettigrew, Jeffrey Doyle, Brian Howe and then we have the video
17 that was taken at the scene.

18 THE COURT: That's probably only --

19 MR. NELSON: The video's not going to last long.

20 MS. CRAWFORD: Maybe only a minute each.

21 MR. NELSON: Yeah. They're not long.

22 THE COURT: There's maybe an hour, hour and a half of
23 testimony; right?

24 MR. NELSON: Right.

25 THE COURT: I mean what time do you want to start then?

1 It's really up to -- I'm happy to start at nine and then break
2 until the Polios come in. You know, we could ask Mrs. Bishop to
3 testify in the morning, but I really want to hear what the Chief
4 has to say before I question her. I don't want to have to bring
5 her back a third time.

6 MR. NELSON: Right.

7 THE COURT: So it makes sense to keep her till last. Is it
8 easier -- What's easier for all you folks? You want to start at
9 nine and then break until the Polios come in? Do you want to
10 start at --

11 MR. NELSON: Maybe if we started at like maybe 10:30 or so?

12 THE COURT: Well, that would be okay; 10:30 is fine, you
13 know, for me. We could do that. I'm sure I could do other
14 things in the morning.

15 With regard to Thursday, your last remaining witness would
16 be --

17 MR. NELSON: Just John Kivlan, that's it.

18 THE COURT: Yeah. Could we bring him in at again between
19 10:30 and 11:00; is that all right with you folks?

20 MR. NELSON: Sure.

21 THE COURT: His testimony is going to be short?

22 MR. NELSON: Very short I would think.

23 THE COURT: Yeah. It's just going to be easier for me
24 because of the summary process things that I could do Thursday
25 morning. It's helpful to the Court. If that's all we have,

1 that would be most useful to me.

2 MR. NELSON: That's fine.

3 THE COURT: So we're going to definitely finish this --

4 MR. NELSON: Thursday.

5 THE COURT: -- Thursday morning. Actually, by tomorrow
6 with a little room, you know, for Thursday. Right.

7 Okay. That was very helpful. Thank you all very much.

8 MR. NELSON: Thank you.

9 THE COURT: Oh, will Trooper Arnold come tomorrow?

10 MR. NELSON: Sure.

11 THE COURT: Just in case anything comes up?

12 MR. NELSON: Okay.

13 THE COURT: It would just be -- he may not be recalled
14 again, but he was such an important witness for me, for my
15 understanding today that if he could be here in case I have any
16 further, I probably won't, but if he could be here just to
17 listen to the testimony?

18 MR. NELSON: Yeah.

19 THE COURT: Thank you very much.

20 MR. NELSON: Thank you.

21 (Whereupon, at 3:00 p.m. the matter was adjourned until
22 Wednesday, April 14, 2010 at 10:30 a.m.)

C E R T I F I C A T E

I, Kim M. Crandell, Certified Verbatim Court Reporter, do hereby certify that the foregoing is a true and accurate transcript from the record of the court proceedings in the above-entitled matter.

I, Kim M. Crandell, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Kim M. Crandell, further certify that I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.



Kim M. Crandell, CVR

Date: April 28, 2010

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