

REPORT OF THE
DEATH OF ANDRE MARTINS
on
July 27, 2008

September 19, 2008

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**Report on the Death of
Andre Martins**

July 27, 2008

This report focuses on a narrow question of law. Did the officer, whose use of deadly force on July 27, 2008, resulting in the death of Andre Martins, act within the scope of Massachusetts General Laws and the decisions of the appellate court with respect to those laws?

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

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

SECTION I

In any review of a homicide, that is, the intentional killing of a human being by another, the law which governs the legality or illegality of the killing is Massachusetts General Law Chapter 265, Section 1 and the Appeals Court and Supreme Judicial Court opinions interpreting that statute in light of the Common Law. Common Law is that body of law from England which has informed American jurisprudence since the Declaration of Independence in 1776.

The Applicable Law

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

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

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

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

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

SECTION II

FACTS

Christopher Van Ness

The evidence would suggest the following. On July 27, 2008, Officer Christopher Van Ness was working the midnight to eight a.m. shift. He was at Bayview Beach in his marked cruiser facing away from the beach, talking to Officer Kent who was working a detail at the beach. Officer Van Ness noticed a vehicle on Bayview Street traveling at a “high rate of speed.”

The officer followed the vehicle through an area of posted speed of 30 miles per hour through which the automobile was traveling at approximately 70 miles per hour.

Officer Van Ness activated his lights and siren in an effort to stop the vehicle which had driven through the stop sign at Park Avenue and Glenwood Streets. At 1:09:02 a.m., Van Ness radioed the station that he was attempting to stop a black Lincoln on Harbor Road, heading toward Baxter Avenue. He knew only the letter 'M' on the license plate. Officer Erica Wenberg approached the intersection of Baxter and Route 28 and activated her lights and placed her cruiser in a position at the intersection so as to be visible to cars traveling northbound on Baxter. Van Ness continued the pursuit northbound on Baxter. The brake lights of the Lincoln came on and it turned left onto the lawn at 41 Baxter Avenue. It continued to turn left as if to reverse direction.

Van Ness said that he then drove onto the lawn and with his push bar, pushed the Lincoln. The rear end of the Lincoln then slid away from the front of his cruiser. Van Ness stated he then stopped and the Lincoln stopped.

Van Ness then described the Lincoln as coming to rest facing his cruiser, front first. Van Ness got out of his cruiser and drew his weapon. Van Ness stated he was now standing outside of his cruiser next to the driver's side door and ordered the driver to show hands and to stop.

Van Ness stated that the operator seemed to pause a "second" and that he could see the operator's eyes and that the "eyes had a crazed look." The officer stated that "He gunned it right at me". The officer stated that he took a "step back toward my cruiser." Officer Van Ness stated that he then thought, "He's going to kill me. He's going to crush me." He stated that at that moment, he was concerned that he was going to be crushed between the driver's side of the Lincoln and the cruiser which was to his right side.

Van Ness fired his weapon into the driver's side window. He then fired two (2) more shots. He believes he fired a total of three (3) rounds.

The car then continued southbound on Baxter in the opposite direction, coming to rest a distance of approximately 246 feet down the road.

Van Ness approached the vehicle. The passenger door opened and a female got out, screaming for help. Van Ness said he approached the female, handcuffed her and advised her she was being detained. He looked into the vehicle, saw the operator who was “gurgling” and bleeding. Officer Wenberg approached Van Ness on foot at that point and he told her to get a first aid kit. He believes he radioed for Rescue and asked that Rescue be told to “Step it up.”¹

Camilla Campos

Camilla Campos was a passenger in the car operated by the deceased Andre Martins. She is the mother of his two children. She said that as they were driving home, he said, “Someone’s behind me.” She said, “It’s probably someone going home and he said, “No, it’s the cops.” She said, “If the cops, let it be.” He said, “I’m not going back to jail,” and he stepped on the gas.

Camilla stated when he stepped on the gas, the officer put on his siren. Camilla said, “I held on here and I held on here and I was screaming, please stop. This is not worth it, please stop.”

He said, “No, I’m going to run away. I’m going to run away...they’re not...I’m not going to let them catch me.”

“I’m going to basically, how can I say?...not...get out of sight. Like they won’t see him anymore. But when he reached the end of that street, an officer turned his car... Andre turned, like turned this way, into someone’s yard and I’m still screaming. When he turned he hit a police officer right here and when I looked...when I looked to his side as him as a passenger, I saw an officer like this....

And that’s when the officer shot and that’s when I started screaming. And he...and that. That time I don’t know if he still ...if he was conscious that he stepped on it and still kept going or is—or he got hit and his feet was on the gas pedal and the car just kept going.

¹ MSP Interview of Off. Christopher Van Ness at Yarmouth Police Dept. 7/28/08

Camilla later says in the same interview that the cruiser hit Andre's car on the side when he turned into the yard. She estimated Andre's speed to be "more than 90 miles per hour."

Camilla was asked if Andre's car stopped after it was hit. She said no, he was trying to back up.

Camilla further says:

The bushes are right here. When he made this turn, the officer was behind him...

Hit him right there...And that's when I looked on his side and I saw that the, the door of the police car was opened and the police, the officer already had stepped out of the car and had his gun like this. ..And that's when the car was hit here and then Andre was – tried to back up here. When he tried to back up and turn--and go—and turn this way...that's when the shot was, the shots were fired....from behind, from behind I guess. Cause....

Q. And when you look out that left, when you look past Andre and you looked out that window, is that your line of vision which—where you first see the officer standing there outside of the cruiser?

Campos: Um, Andre, when he, when the car hit, Yes.

Q. Okay. And is it the impact that draws your attention to that side of the car?

Campos: Yes.

Camilla then says she sees the officer standing there with the gun. Camilla says that Andre was backing up and "...he was not anywhere near close to the officer." Camilla further says "My focus is to like where is he going, cause I was still screaming and that's when the shots were fired."

She is then asked, "As you're moving forward?" She answers "As I was moving, yep." Camilla says she remembers him accelerating by the "wheels spinning."

She says there are other police cars there but when she is asked if officers were in the cruisers, she says “No”, cause it was just a big blur because I was focusing to where he was going by that time.

Camilla says, in response to-- ‘*How many shots?*’ “I would say about three shots in quick succession.”

The first shot was fired, the second shot was fired. By that time he had made it--that turn. The third shot was fired and the glass shattered.

Mason: Okay so the very first shot that you became aware of or that you hear is from the officer as, as Andre goes by the officer or the officer is alongside of him?

Campos: The officer is approaching Andre.

Mason: Okay. And Andre is moving forward.

Campos: Uh, huh.

Mason: Ok. You hear a shot. Uh, huh...

Mason: Andre continues forward

Campos: Uh, huh

Mason: Is he still accelerating at this point?

Campos: Uh, huh.

Camilla Campos remembers being handcuffed, the arrival of the female officer, and the fact that the female officer, after Andre was removed from the car, had to chase the car to stop it from rolling away.

Camilla said they had one drink at a bar in Hyannis and that Andre was smoking a marijuana cigarette during the car chase, that he had smoked before he picked her up. She knew this by the condition of his eyes.²

² Transcript of MSP conversation of Camilla Campos with Sgt. Christopher Mason on 7/27/08 at Yarmouth Police Dept.

Erica Wenberg

Officer Wenberg said that she heard Van Ness transmit over the radio his attempt to stop a vehicle. She was at Baxter and Route 28. She went south on Baxter and turned around at Gleason and Baxter to get the pursuit behind her. She could see a black Lincoln at a high rate of speed followed by a police car displaying blue lights. Then she said they disappeared. As she began to turn around on Baxter, she heard gunshots. She then asked over the radio if that was gunshots. She received no reply. She drove down the road and saw the Lincoln with the rear window shattered. She positioned her cruiser behind it. She observed Officer Van Ness on the passenger side with a female passenger. She heard the passenger say, "I told him to stop but he told me he did not want to go back to jail."

Officer Capobianco arrived. He and Officer Wenberg pulled Mr. Martins from the vehicle. She said he was not conscious at any time she was with him.

Wenberg stated that she heard three (3) "pops" (gunshots), "definitely two (2)".³

Christopher Capobianco

Officer Capobianco was the third officer on the scene and described the arrival of Officer Kent. Officer Capobianco observed Andre Martins in his vehicle. He observed that Mr. Martins' head was leaning back, his mouth was open and what appeared to be a marijuana cigarette was hanging from his lips. He attempted to find a pulse. Officers Capobianco and Wenberg removed him from the vehicle and began CPR. They continued to apply first aid using an ambu bag and employing a defibrillator until paramedics arrived. When paramedics arrived, he was lifted onto a stretcher, loaded into an ambulance and taken to Cape Cod Hospital.

Numerous other police officers and supervisors arrived. The officer's gun and ammunition were secured pursuant to department policy.⁴

³ MSP Interview of Officer Erica A. Wenberg by Sgt. Christopher Mason on 7/28/08

⁴ MSP Interview of Officer Chris Capobianco on 7/28/08 at Yarmouth Police Dept.

State Police Detectives were notified as it was apparent that a death was involved or likely to be involved and responded to the scene together with State Police Accident Reconstruction, Ballistics and Crime Scene Services Units.

Neighbors

A neighborhood canvas was done resulting in several witnesses speaking of their observations. Jamie and Michael Mahoney of 48 Baxter Avenue were interviewed. Mrs. Mahoney said she was sound asleep and heard, “Pop, pop, pop.” Mr. Mahoney said he heard three (3) pops and didn’t think it was gunshots. A daughter, Kerry Mahoney, age 17, said she woke up at 1:00 a.m. by the sound of screeching tires. She observed from her bedroom window a dark colored car going “really, really fast.”

She then said she saw a police car following that car and they both appeared to have pulled into a driveway. Mahoney said she then heard “three (3) shots” and saw the dark colored car head in the opposite direction.⁵

Debbie and Frank Ely of 52 Baxter Avenue were interviewed. Mrs. Ely said she was sleeping and heard three (3) pops. Mr. Ely said he saw a female officer walking toward the car with her gun out. Mr. Ely also saw a female being led away in cuffs by a male officer. Mr. Ely saw the car roll away and the female officer stop the car. Mr. Ely said, “They began to do CPR and when the ambulance arrived, they continued CPR.”⁶

Mr. Ted G. Sperounis of 64 Baxter Avenue was also interviewed. He said at approximately 1:10 a.m. he observed a car going really fast and then a cruiser followed with its emergency lights on. He said he heard a male voice state “Get out of the car, get out with your hands up.” Sperounis said after a time lapse he then heard, “Pop, pop.” He believed he heard two (2) shots.⁷

⁵ MSP Neighborhood Canvas of Baxter Avenue, Yarmouth by Tpr. Edward J. Conlin

⁶ supra at ¶ 5

⁷ supra at ¶ 7

Micki Alexander of 65 Baxter Avenue stated she was sitting on her porch around 1:00 a.m. She observed the car and estimated its speed at 100 miles per hour. Alexander said she then saw a “cop car” come down the street. She said seconds later she heard four (4) shots. She said the speeding car must have turned because it was coming back a lot slower. A John Egan of 10 Eddy Street heard four (4) shots at 1:15 a.m. He then heard a male say “Get your arms up” several times and he heard a woman yelling, “Oh my God, Oh my God, Is he dead?”⁸

Christina Murley of 60 Baxter Avenue said at about 1:00 a.m. she heard five (5) shots. She heard a girl saying, “Oh, no -- is he shot, is he dead?”⁹

A Sarah Dean of 44 Baxter Avenue said she heard two (2) gunshots and saw an officer running in the direction of the vehicle.¹⁰

A review of the Yarmouth Police Department radio transmission tapes reveals that the first call from Van Ness came in at 1:09:02 a.m. indicating an attempt to stop a vehicle. Sixty-eight (68) seconds later at 1:10:10 a.m. Officer Wenberg says “in front of it.” Fourteen (14) seconds later she says, “Chris, was that gunshots?” Six (6) seconds later Van Ness says, “Shots fired, shots fired.” At 1:10:45 a.m. Off. Wenberg reports that the vehicle is stopped. The entire sequence is one hundred three (103) seconds, less than two (2) minutes.¹¹

Lt. David Morley of the Yarmouth Fire Department was on the run that responded. He said he remembers the call coming from the Yarmouth Police Department and that they were asked to “Step it up.” Lt. Morley estimated an arrival within minutes. He observed Wenberg and Capobianco doing CPR. Lt. Morley said the patient was unresponsive and had a chest wound below the sternum. Lt. Morley was at the patient’s head, providing breath via a bag and that EMT/FF Goodwin was toward the patient’s feet administering drugs and EMT/FF Kane was doing compressions.¹²

⁸ supra at ¶ 6

⁹ supra at ¶ 4

¹⁰ MSP Interview of Sarah Dean on 7/27/08 at 44 Baxter Avenue

¹¹ Yarmouth Police Dept. CFS#08-24586 Motor Vehicle Stop/Fatal Shooting

¹² Interview of Lt. David Morley, Yarmouth Fire Dept.

At the Emergency Room of Cape Cod Hospital, Andre Martins was pronounced dead. A review of the hospital record shows an absence of vital signs upon arrival at the hospital.¹³

Forensic Evidence

Autopsy

An autopsy was performed by the Chief Medical Examiner for the Commonwealth of Massachusetts, Dr. Henry M. Nields on July 28, 2008, at the Boston office.

There is a single gunshot wound entering the left lateral back, 18” from the top of the head and 6 ¾” to the left of the midline. There is an exit wound 20 3/8” from the top of the head and ½” to the right of the midline, on the chest front. The direction of this wound is left/right/forward and slightly downwards. The bullet perforated the heart and lungs.

The toxicology performed at UMASS Memorial Medical Center reveals a positive finding of cannabinoids indicating the deceased had recently smoked marijuana.¹⁴

Ballistics Report

Sgt. Douglas Weddleton of the Massachusetts State Police, Firearms Identification Section received Officer Van Ness’ weapon as well as three (3) shell casings and two (2) spent projectiles. He concluded that the three (3) shell casings were fired from Van Ness’ gun and the two (2) spent projectiles, though bearing similar markings, could not be positively identified as having come from that gun.¹⁵

¹³ Cape Cod Hospital Record of Andre Martins

¹⁴ Office of Chief Medical Examiner Report of Autopsy of Andre L. D. Martins

¹⁵ MSP Firearms Identification Section Report of Sgt. Weddleton dated 8/8/08

Sgt. Weddleton further opined that damage to the rear of the Lincoln was consistent with it having been struck twice by gunshots with a trajectory of right to left and downward and from the back of the vehicle to the front.¹⁶

He further opined that based on test firing, the gun typically ejects its shell casing to the right front, a distance of approximately seven to eight (7-8) feet.¹⁷

Accident Reconstruction Report

The C.A.R.S. Unit (Collision and Accident Reconstruction Section) responded to the scene and produced a report of their analysis.

Three (3) spent cartridge casings were located and fixed relative to the position of the cruiser and the tire markings left by the automobile operated by Andre Martins. At one point during the movement of Mr. Martins' automobile along the tracks left in the lawn, a measurement of approximately five (5) feet from the left door post of the cruiser to the side of the automobile operated by Martins was taken, and at that point because of the angle of the cruiser relative to the tire tracks, the distance from the left rear of the cruiser to the Martins' vehicle was approximately four (4) feet, two (2) inches.

The shell casings were located approximately in the middle of that five (5) foot space. Because the gun ejects casings rightward and forward approximately seven to eight (7-8) feet, the officer would have been in the confined five (5) feet of space between the two cars at the time the casings were ejected from his weapon.

The tire markings left by the Martins' vehicle begin at an angle more directly at the parked cruiser; they then veer to the right, away from their initial path. (*See Exhibits A & B*).¹⁸

¹⁶ MSP Firearms Identification Section Report of Sgt. Weddleton dated 8/19/08

¹⁷ *supra*

¹⁸ See Photographic Exhibits A&B

Criminalistics Report

A report from the Criminalistics Section of the Massachusetts State Police Crime Lab revealed the following:

Two (2) copper-colored spent projectiles were recovered from the automobile being operated by Andre Martins.

Item No. 5 as depicted in the photographic exhibit was tested for the presence of occult (non-visible) blood. The test was negative. This item was found on the rear deck of the automobile.

Item No. 6 as depicted in the photographic exhibit was tested for the presence of occult blood. The test was positive. This item was found on the front driver's seat where Andre Martins had been sitting. Further testing indicated the blood was human blood.¹⁹

SECTION III

The report now turns to an application of the law to the facts. In this case, as outlined previously in Section I, the report addresses the right of self-defense.

Self-Defense

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

There is no view of this evidence which would allow a fact finder to conclude beyond a reasonable doubt that the officer did not have a reasonable apprehension of great bodily harm at the time he fired his weapon. There is no view of the evidence which would allow a fact finder

¹⁹ MSP Crime Lab Criminalistics Report of 8/7/08

to conclude beyond a reasonable doubt that the officer did not have a reasonable belief that no other means would suffice to prevent that harm.

The above language may seem awkward but it is because the Commonwealth bears the burden of proof, that it is stated this way. Stated another way, the Commonwealth would have to prove beyond a reasonable doubt that the officer's beliefs were not reasonable.

The evidence here, however, would tend to support the reasonableness of the officer's beliefs.

The deceased drove through a residential neighborhood at speeds estimated to be 90-100 miles per hour according to witnesses, while under the influence of a controlled substance. Despite his girlfriend pleading with him to stop and screaming the names of their two (2) children, he announced that he was "not going back to jail."

As the police officer pursued the vehicle, he was able only to get close enough to make out the letter 'M' as the first letter of a commercial license plate. Having no more information than that, the officer had no idea who was operating the vehicle or why the operator was driving as he was.

Another Yarmouth cruiser hearing radio transmissions of the incident responded from Route 28 and Baxter Avenue. She tried to "get ahead" of the pursuit to slow it down. This technique did not work because the car made a sharp turn onto the lawn at 41 Baxter. The police officer turned onto the lawn as well. Using his push bar, the officer struck the vehicle broadside causing it to spin and end up facing the cruiser, tangentially. The officer got out of the cruiser with his weapon drawn and issued several commands to the operator. A witness at 64 Baxter Avenue heard the officer say "get out of the car, get out with your hands up."

The physical evidence would show that the black Lincoln was headed toward the officer, then veered to the right. The ejected shell casings show that the officer was located in the space

between his cruiser and the tire tracks which the Lincoln eventually made at the time the weapon was discharged.

A diagram was made by the C.A.R.S., Collision Analysis and Reconstruction Section of the State Police, using the points fixed by the physical evidence at the scene. The first point is the position of the officer's cruiser which remained in its location from the time the shots were fired until investigators arrived. The second important fixed point is the tire tracks through the lawn at 41 Baxter Avenue which show the location of the Lincoln as it moved over the grass at 41 Baxter and then off of the grass and back southward on Baxter where it eventually came to rest.

An examination of these tracks relative to the fixed position of the cruiser indicates that the car was facing in the direction of the cruiser and then veered rightward as it left the lawn.

The additional fixed points of the ejected shell casings allow investigators to place the officer within a couple of feet of where he actually stood at the time the shots were fired. Because the type of weapon used by the officer ejects casings rightward and forward (See Ballistics Report dated 8/19/08), the officer would have been standing in the four to five (4-5) feet of space between the tracks made by the Lincoln and the left side of his cruiser at the time of the firing of the shots depicted by the ejected casings numbered one (1) and two (2). A third shell casing is located at the edge of the lawn and the street approximately fifteen (15) feet from the others. (See C.A.R.S. diagram).

This third shell is less of a fixed point than one and two. It is found on a hard surface unlike one and two which are unlikely to move significantly from where they hit grass. The same cannot be said of the third shell casing found on a hard surface.

An examination of the Lincoln shows a spent projectile located on the driver's seat (See photo). This spent projectile tests positive for the presence of blood. On the roof of the Lincoln there is damage consistent with a round grazing the roof and moving in a direction of back to front. The rear window is shattered and there is damage to the rear window deck consistent with

a bullet passing through the rear window from behind and damaging the upholstered area of the rear window deck. A spent projectile is located on the rear window deck along with shattered glass.

The physical evidence is consistent with and supports the statement of Officer Van Ness with respect to the events leading up to the discharge of his weapon.

He indicated that he alighted from his cruiser and drew his weapon when the car appeared to be stopped and facing his cruiser. Ms. Campos said the car was trying to back up and then accelerated forward as evidenced by the tire tracks on the lawn. The officer shouted commands at the vehicle's operator which went unheeded. As the car came toward him, he believed the operator was trying to "kill me" or "crush me." It cannot be said that, under all of the circumstances, this belief was unreasonable to the level of certainty required by the standard of proof beyond a reasonable doubt.

The officer was between his cruiser and the oncoming Lincoln. He fired his weapon in what witnesses described as "rapid succession." He believes he fired three (3) times, three (3) shell casings were found. The officer and Camilla indicated that the first shot came through the open driver's door window. A spent round with blood on it was found on the driver's seat. As the car veered to the right, it was struck by two additional rounds as it passed the officer, one hitting the roof and the other piercing the back window.

It is almost certain that the first round fired is the round that killed the deceased. It is consistent with both witness statements, Officer Van Ness and Camilla Campos. A deformed bullet with blood on it was found on the seat. The physical evidence establishes that two (2) bullets damaged the car and were fired from the rear. One skidded across the roof, damaging the roof, but not penetrating it. It was not recovered. The third round hit the rear window and was found on the rear deck.

As the car approached the officer he observed what he described as a "crazed" look in the operator's eyes. He had seconds to assess and react to the danger posed by the oncoming car.

He had shouted commands heard by witnesses while he had his gun pointed at the car. The operator drove toward the officer.

The physical evidence is consistent with the operator veering right as he approached the officer and his drawn weapon. A natural human reaction is to turn away from the danger posed by the gun. As the operator veered to the right he exposed his left flank to the officer who had already committed to fire. The first shot hit him in the left side penetrated his lung and heart and exited the chest.

The second and third shots were fired after the car passed the officer. This entire sequence likely transpired in less than two (2) seconds.

A police officer, like anyone else, is required to retreat to safety to avoid combat if that would be a reasonable option to avoid imminent danger, but he is not required to, if in so doing, he further endangers himself by pinning himself against his car or by trying to guess at the real intention of the operator who has evidenced by all of his actions that he is a threat to the safety of persons including the officer. Martins, the operator, was in control of a deadly weapon, an automobile, which he had operated in a reckless manner without consideration for the lives and safety of others including his girlfriend who was pleading with him to stop.

As noted earlier, no reasonable fact finder could conclude that the officer in discharging his weapon after issuing commands to the operator, after observing the operator accelerate toward him as he occupied a four to five (4-5) foot space between his cruiser and the path of the vehicle, had an unreasonable apprehension of great bodily harm. In fact, it must be proven that the officer's apprehension of great bodily harm was unreasonable beyond a reasonable doubt in order to sustain legal proceedings against him. Therefore, there will be no further official action by this office with respect to this case.

INDEX OF EXHIBITS

1. MSP Interview of Officer Christopher Van Ness at Yarmouth Police Dept. on July 28, 2008
2. Transcript of MSP conversation of Camilla Campos and Sgt. Christopher Mason on July 27, 2008
at Yarmouth Police Department
3. MSP Interview of Officer Erica A. Wenberg by Sgt. Christopher Mason on July 28, 2008
4. MSP Interview of Off. Chris Capobianco on July 28, 2008 at Yarmouth Police Dept.
5. MSP Neighborhood Canvas of Baxter Avenue, Yarmouth by Tpr. Edward J. Conlin on July 28, 2008
6. MSP Interview of Sarah Dean on July 27, 2008, at 44 Baxter Avenue, Yarmouth
7. Yarmouth Police Dept. CFS#08-24586 Motor Vehicle Stop/Fatal Shooting
8. Interview of Lt. David Morley, Yarmouth Fire Dept.
9. Office of Chief Medical Examiner Report of Autopsy on Andre L.D. Martins, Case #08-16760
10. MSP Firearms Identification Section Report of Sgt. Weddleton dated August 8, 2008
11. MSP Firearms Identification Section Report of Sgt. Weddleton dated August 19, 2008
12. MSP Crime Laboratory Criminalistics Report of August 7, 2008

N.B. Copies of exhibits are not attached here. They may be obtained by contacting the office of the Cape & Islands District Attorney (508) 362-8113.