

# Final Report Regarding Police Involved Shooting of Arthur DaRosa at Taunton Galleria Mall

On the evening of May 10, 2016 Arthur DaRosa drove his car head-on into the vehicle of Paula Giannini on Myricks Street in Taunton. DaRosa then entered the home of Kathleen and Patricia Slavin at 270 Myricks Street, assaulted both women, found a steak knife in a drawer, and stabbed both of them several times. Eighty-year-old Patricia Slavin died as a result of her wounds.

Kathleen Slavin was left seriously injured when DaRosa fled from the house, re-entered his vehicle and drove to the Taunton Silver City Galleria. Upon his arrival at the mall, DaRosa crashed his car into the north entrance of Macy's department store. DaRosa left behind his disabled vehicle, entered Macy's and physically assaulted several women inside as he moved through the store to an entrance/exit on the east side. DaRosa exited Macy's, ultimately entering into a Bertucci's Restaurant from inside of the mall.

Inside the restaurant, DaRosa stabbed waitress Sheena Savoy several times with a steak knife. George Heath, a patron who was sitting nearby, attempted to intercede on Ms. Savoy's behalf and was fatally stabbed by DaRosa. James Creed, an armed off-duty Deputy Sheriff was also having dinner. Creed also attempted to intercede in the assaults and he ordered DaRosa to cease his attack, drop the knife and get on the ground. DaRosa refused these commands and advanced on Creed. Creed discharged a single round at DaRosa, mortally wounding him.

Taunton, Raynham, Berkley, Lakeville and State first responders and emergency medical services responded to the scene. An investigation by the Taunton Police Department, Massachusetts State Police and the Bristol County District Attorney's office, pursuant to the obligations of MGL ch. 38, sec. 4, which requires the District Attorney to direct and control the investigation into all violent deaths, followed. The purpose of the investigation and this report is to detail the actions of Arthur DaRosa in the killings of Patricia Slavin and George Heath and determine whether any crime was committed as the result of the shooting and killing of Arthur DaRosa by a Deputy Sheriff.

## **INVESTIGATION**

A joint investigation was conducted by the Taunton Police Department, the Massachusetts State Police Detectives Unit assigned to the Bristol District Attorney's Office and prosecutors assigned to the Bristol District Attorney's Office. This report and its conclusions are based on the following sources of information: records of the American Medical Response ambulance service; reports written by the Taunton Police Department; Taunton Police/Taunton Fire 911 records and dispatch logs; recorded witness interviews; reports written by the Detectives Unit; Morton Hospital medical records of Arthur DaRosa created on or about May 9 and May 10 of 2016; and autopsy reports of Patricia Slavin, George Heath and Arthur DaRosa made by the Office of the Chief Medical Examiner. Investigators also reviewed the Plymouth County Sheriff's Department Use of Force Policy and training records of Deputy Sheriff James Creed. As is relevant here, James Creed is licensed to carry a firearm and he had been trained and qualified by the department to carry and use a .45 caliber pistol.

## **ACTIONS OF ARTHUR DAROSA ON MAY 9-10, 2016**

Arthur DaRosa was a 28-year-old man with a residence in Fall River. He worked full-time as a de-leader for a Taunton

company. He had grown up in Taunton where his stepfather and half-sister reside. DaRosa also had an estranged girlfriend, Samantha Shaheen, with whom he had two young children. Ms. Shaheen was with DaRosa for six years until their breakup in early April, 2016. DaRosa was described as having problems with anxiety and/or depression. His problems with depression had become more pronounced since the break-up. During the weekend prior to May 10, 2016, DaRosa was "manic and depressed," "up and down."

In conversations with Ms. Devries he spoke calmly one minute and then quickly lapsed into talking "pure nonsense." DaRosa talked about not wanting to live anymore, about people close to him having been poisoned, and of having received messages from God or the devil telling him to do horrible things. DaRosa expressed fear of being sedated and he wondered aloud whether he was crazy.

On Monday, May 9, 2016, after a series of apparently irrational suicidal conversations with Ms. Devries, DaRosa agreed to seek medical treatment for his mental health problems. DaRosa told Ms. Devries he was reluctant to get treatment because if he was thought to be "crazy" his relationship with his children might be jeopardized. On May 9, 2016, DaRosa drove to his stepfather's home in Taunton. During the ride he called Ms. Devries and told her that he was thinking about driving his car into a tree to kill himself due to depression. After arriving at his stepfather's home and after further conversation with Ms. Devries, DaRosa agreed to go to a hospital for treatment. At 4:56 p.m. a call was made to AMR (American Medical Response) ambulance service. At 4:59 p.m. an ambulance was dispatched to DaRosa's stepfather's home at 29 Myrtle Street, Taunton. The ambulance arrived at 5:05 p.m. Approximately five minutes later DaRosa was transported to Morton Hospital and his care was transferred to the Morton Emergency Room at 5:16 p.m.

DaRosa reported to the ambulance personnel that he had told

his sister he wanted to drive into a tree and kill himself. He stated he had been depressed for three weeks, but hadn't sought help. However, that day his suicidal thoughts were very strong. He was tearful and he wanted help. DaRosa denied feeling suicidal in the past. DaRosa did not indicate that he had any physical ailments and he denied any drug or alcohol use.

DaRosa was described as crying, embarrassed and nervous about being at the hospital but cooperative. Toxicology tests were conducted with negative results, showing that DaRosa was not under the influence of any intoxicants or illegal substances. An assessment of DaRosa shortly after 7:30 p.m., noted that DaRosa had suicidal thoughts but no specific plan. DaRosa reported thinking about an "overdose, but [he] never made a specific plan as to when, where or how [he] would actually do it ... and [he] would never go through with it." He also stated "I have [suicidal] thoughts but I definitely would not do anything about them."

Morton Hospital records indicate that DaRosa was "medically cleared" at approximately 9:30 p.m. on May 9, 2016. During this time, the records report that DaRosa's step-father was at his bedside. But that DaRosa was very anxious "while visitor present." The visitor then left. DaRosa slept from 9:00 p.m. to 11:00 p.m. DaRosa was "made Sec. 12" by a "Dr. Perry" and his case was "called into Morton Crisis" shortly before 10:00 p.m. "Sec. 12" is presumably a reference to Sec. 12 of M.G.L. Chap. 123 titled "Commitment by physicians or police officers for limited period." This provision of Massachusetts law allows a physician to seek the hospitalization of a person whom they have examined and determined that there is a reason to believe is likely to commit serious harm to themselves or another because of mental illness.

Ms. Devries and a friend visited with DaRosa at the hospital. DaRosa was calm. He said that he had slept for the first time in four days and he noted that if she hadn't come in, "I

wouldn't have woken up," but he also said he was afraid he wasn't going to wake up. DaRosa appeared manic when he said this, but he later said he was okay. Ms. Devries left DaRosa at approximately 10:30 p.m. For his part, the elder Mr. DaRosa described his stepson as calm during his visit, but recalled that DaRosa asked that someone take care of his kids when he dies. Mr. DaRosa tried to reassure his stepson that he wasn't going to die.

Sometime after midnight Morton Hospital records note that DaRosa was with "crisis eval." The portion of the record relating to Brockton Taunton/Attleboro Crisis (hereinafter "BT/AC") indicate BT/AC began their evaluation at 12:15 a.m. on May 10, 2016. During the BT/AC evaluation DaRosa reported how long he'd been depressed and explained that he broke up with his girlfriend of 61½ years, 3 1½ weeks prior to his admission. DaRosa's ex-girlfriend left their home and moved in with her family. DaRosa and his ex-girlfriend split up the custody of their five and three-year-old children based on their work schedules.

DaRosa explained that the ex-girlfriend had a job with an evening shift and that he worked days full-time and went to night school two days a week. DaRosa stated he felt "overwhelmed" and hadn't slept much the prior five nights. DaRosa denied wanting to kill or hurt himself because he had two children to live for and he wanted them to be a family. DaRosa also discussed his childhood and his relationship with his biological mother and stepfather.

The BT/AC evaluator noted that DaRosa showed no evidence of psychosis or thought disorder. DaRosa had a "neat and orderly manner." His speech was "clear, coherent, normal rate, rhythm and volume and thoughts were organized and coherent." DaRosa's "affect was broad range with predominant anxious, worried mood, but mood also readily brightened with broad smiles when talking about his two children." The evaluator also noted that DaRosa "denied any current SI1 and reported he never had any

prior SI and that it had been an overwhelming, strange and scary feeling” but after talking to his sister he agreed to come to the hospital “for help.” DaRosa also denied any HI (homicidal ideation). The evaluator concluded that DaRosa’s “judgment is good” and described him as “help-seeking and able to take in information and generalize from it.”

DaRosa was described as “experiencing acute severe stress” due to the breakup with the mother of his two children and “taking on responsibilities” of childcare, work and night school. The evaluator opined that although DaRosa was “feeling overwhelmed and worried” DaRosa was “able to seek out help and maintain safety and utilize current supports” and he was willing to learn “coping” “parenting” and “stress management skills.”

Morton Hospital patient observation notes indicate “Crisis out” at 3:30 a.m. and that DaRosa slept from 3:45 a.m. to 5:30 a.m. DaRosa was diagnosed with “F41.9 anxiety disorder” and “F43.33 adjustment disorder with mixed anxiety and depressed features.” The evaluator concluded that DaRosa “did not appear to require IPT LOC2 at this time. A discharge summary form bearing DaRosa’s name and identifying information was created at 4:29 a.m. on May 10, 2016. Shortly before 6:30 a.m. on May 10th, DaRosa was prepared for discharge by hospital staff.

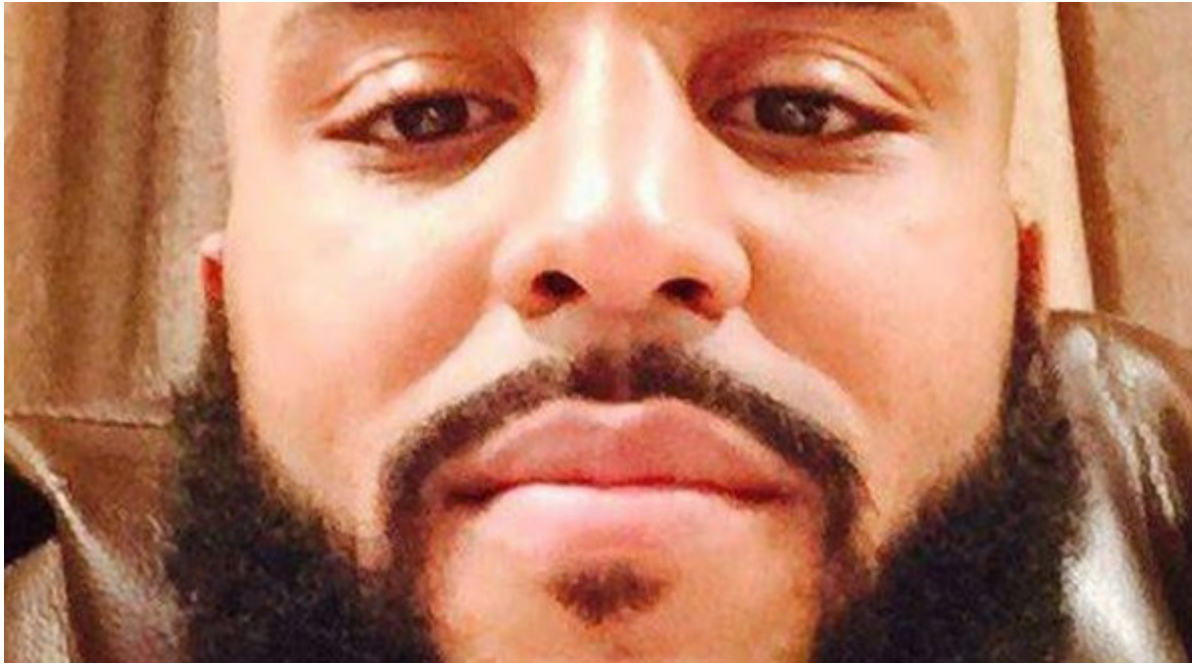
Morton Hospital’s discharge summary form states DaRosa was treated for anxiety and stress reaction and that he should follow-up with his physician in 5-7 days. No prescriptions were provided. The form was apparently signed at 6:26 a.m. and DaRosa was discharged to his own care at 6:36 a.m. The discharge instructions bear DaRosa’s address and phone number, but gives detailed instructions for a child named Gabriel, rather than DaRosa.

DaRosa walked to his step-father’s home and he arrived at approximately 6:45 a.m. DaRosa retrieved his car keys and then left for work. During the day he contacted Ms. Shaheen and

told her he was fine, apologized for acting the way he had the day before, and for being selfish. He then visited Ms. Shaheen, repaid money that he owed her, and agreed to pick up the kids from school. Later in the day, Ms. Shaheen texted DaRosa and reminded him to take his daughter to soccer after picking up the children from school. DaRosa sounded as if he was happy to do so. DaRosa spent the day at work. After work he spoke to a friend on the phone. DaRosa mentioned that he was on his way to pick up his children and he seemed "fine" on the phone.

### **MYRICKS STREET COLLISION**

DaRosa arrived at the Myricks Street youth soccer field approximately ten minutes late for his daughter's practice. The coaches noted he seemed "normal" but they did not observe or interact with him as the practice progressed. Parents overheard DaRosa talking to himself, saying he was "sorry" repeatedly and for no apparent reason. DaRosa's odd behavior was interrupted by periods of calm. DaRosa spoke to one parent about God, about needing to keep going on with his life, and not knowing what to do next or what would happen to his kids. DaRosa ranted about people judging him. DaRosa asked another parent to watch his kids and he left the soccer field. DaRosa startled another parent with her child in the parking lot by quickly passing her and stating that he was "a total loser."



At approximately 6:35 p.m., DaRosa exited the Myricks Street Youth Soccer Field heading south. He was driving a 2010 Honda Accord. Upon reaching Myricks Street he turned right heading southwest. DaRosa crossed the center line into traffic coming in the opposite direction and collided with a small pick-up truck driven by Paula Giannini. Ms. Giannini's vehicle was spun around and then it did a complete "barrel roll;" landing back on its wheels. The roll caused her doors to be pinned shut. Ms. Giannini remained conscious but suffered a severe laceration to her right ear. DaRosa exited his vehicle and began to bang on the window of Ms. Giannini's vehicle. Traffic on Myricks Street and the exit from the soccer field was obstructed by the colliding vehicles. DaRosa ran towards 270 Myricks Street, a single family home, and entered through the front door. 270 Myricks Street is located on the north side of the street.

#### **STABBINGS AT 270 MYRICKS STREET AND THE KILLING OF PATRICIA SLAVIN**

At approximately 6:35 p.m. Kathleen Slavin was home with her eighty-year-old mother, Patricia Slavin. The two had just finished eating dinner and Patricia Slavin, who suffered from a condition that caused muscle weakness, was resting in a chair covered by a blanket. Kathleen Slavin was in the process



of cleaning the dishes, when the two of them heard a loud bang coming from Myricks Street. Upon looking out their front window, they saw DaRosa look in their direction.

In retrospect, as Kathleen Slavin later told investigators, it was as if DaRosa locked on to her and her mother when he saw them in the window. DaRosa ran to the front door of the house. Thinking that DaRosa needed help because of the collision, Kathleen went to the front door and as she began to open it, DaRosa pulled open the door. DaRosa forced his way past Kathleen, entered into the home and knocked Patricia Slavin to the ground. Patricia Slavin was unable to get up from the floor by herself. DaRosa opened the drawer of a nearby piece of furniture and when Kathleen asked him what he was doing; DaRosa replied "I'm looking for the gun."

Kathleen Slavin told DaRosa that there weren't any guns in the house. DaRosa then knocked her to the ground and went into the kitchen where he began opening drawers beneath the counter top. DaRosa found and removed a steak knife. Kathleen Slavin had returned to her feet and DaRosa knocked her to the floor a second time. DaRosa then stabbed Kathleen multiple times in the left side before moving on to Patricia Slavin whom he stabbed multiple times in the back as she lay on the ground face down.

DaRosa fled out the front door of the house, leaving both grievously wounded women in the house. Patricia Slavin's last words were "Call 911," and Kathleen Slavin immediately did so at 6:37:48. Michael Slavin, Kathleen's brother, entered the house first, as Kathleen awaited the arrival of first responders. He found his mother and sister both laying on the floor bleeding. He immediately called out to officers on Myricks Street for help. Patricia Slavin suffered bruising and five stab wounds to her back. One stab wound penetrated the left lung and resulted in a hemothorax. Mrs. Slavin was transported to Morton Hospital where she succumbed to the wounds caused by DaRosa.

Kathleen Slavin was first transported to Morton Hospital and from there sent to the Brigham and Women's Hospital in Boston where she was treated for a stab wound to the right side of her neck, two stab wounds to her left chest and two stab wounds to the left side torso. Kathleen Slavin also sustained some defensive wounds to the hands and arms that did not require stitches. While at Brigham and Women's Hospital, Ms. Slavin underwent surgery to remove a buildup of fluid in her lungs and she was released to her home at the end of the week. Ms. Slavin gave a recorded statement to investigators on May 24, 2016.

### **SILVER CITY GALLERIA MALL AND THE KILLING OF GEORGE HEATH**

DaRosa was seen exiting 270 Myricks Street with a knife in his hand. DaRosa attempted to force his way into several vehicles stopped on Myricks Street by banging on car windows with the butt of the knife. Some drivers fled by driving off. Several people called 911. DaRosa then returned to his own, damaged vehicle and drove off heading southwest toward Route 140. From there he traveled north on Route 140 to the Silver City Galleria Mall in Taunton.

After fleeing Myricks Street, DaRosa drove his car to the Silver City Galleria Mall in Taunton. The Mall is approximately three and a half miles away from 270 Myricks Street, which is about a five minute drive under normal circumstances. DaRosa crashed the 2010 Honda Accord into the north entrance of Macy's department store. The crash caused extensive damage to the entrance and the Accord rested partially inside the glass entrance way. The crash was not captured on video, but the Macy's interior video surveillance shows employees' and patrons' attention being drawn to the entrance in response to the crash.

On the afternoon of May 11, several troopers, including members of the Massachusetts State Police K-9 Unit, searched for the knife used in the Slavin stabbings along the path DaRosa most logically used to travel from Myricks Street to

the Silver City Galleria. This search yielded only one article of clothing which appeared to have blood on it in the area of the median of Route 140 south of the Stevens Street exit. The search was discontinued with the loss of daylight.

On May 12, 2016, the search was resumed in the morning. Troopers retraced much of DaRosa's path a second time and continued to the Silver City Galleria parking lot without success. The knife used to kill Patricia Slavin and seriously injure Kathleen Slavin has not been located. After the crash in the Macy's entrance, DaRosa ran into the store. He appeared to be in a manic or frantic state.

Initially, upon hearing the crash into the entrance, employees and patrons of the store approached the crash, but upon seeing DaRosa, who was described as "enraged," the people in the store attempted to make their way away from the crash and DaRosa. DaRosa approached Wendy Olivieira, a patron of the store. She described that DaRosa was "on her" instantaneously. DaRosa grabbed her and slammed her into a display rack at least five times then threw her to the side. DaRosa never said anything to her and when he was done assaulting her, he ran away. Ms. Oliviera suffered lacerations to the back of her head and pain throughout her body from the assault and battery. She was transported and treated at Morton Hospital.

After running away from Olivieira, DaRosa approached Jucelia Gleason and Laura Miola, both employees of Macy's. DaRosa grabbed Ms. Gleason by her hair and dragged her for several feet, causing her to hit several store displays. DaRosa then turned his attention to Ms. Miola. He released Ms. Gleason and approached Ms. Miola. Miola tried to get away from DaRosa but he advanced on her and punched her in the face. She fell to the ground. During this time period, several Macy's employees, including Holly Gouveia and Barbara Almeida, tried to intervene on Gleason and Miola's behalf to stop the beatings. Both Ms. Gleason and Ms. Miola were transported to Morton Hospital for their injuries.

Miola was transported to Brigham and Women's Hospital for further evaluation and later released. Both suffered non-life threatening injuries from the assault and batteries. During the time he was in Macy's, none of the witnesses observed DaRosa with any weapons in his possession, nor did anyone hear him saying anything. None of the victims or witnesses knew DaRosa prior to the assaults. A portion of the events that occurred in Macy's, including the assault and battery of Ms. Miola was captured on video.

DaRosa ran out of Macy's through the east entrance of the store, a different entrance than he had crashed into. DaRosa ran down the sidewalk outside of the mall and reentered the mall at the entrance where the Bertucci's is located. DaRosa ran down the hallway between the stores to the Metro PCS store which is located at the end of that hallway. This is captured on video. DaRosa entered the Metro PCS store and ran behind the desk and grabbed Kyle Carpenter, an employee of the store. Carpenter fought off DaRosa in a struggle that lasted only seconds, causing DaRosa to flee the store. There were several customers and employees in the store. The only thing Carpenter heard DaRosa say was "shut up." Carpenter closed the gate to the store after DaRosa fled. Carpenter did not see DaRosa in possession of any weapons. None of the witnesses in Metro PCS knew DaRosa.

After leaving the Metro PCS store, DaRosa ran back toward the entrance where the Bertucci's is located and entered the Bertucci's. DaRosa's flight from the store to the Bertucci's entrance was captured on the mall video surveillance system. No video surveillance exists of the events inside of Bertucci's. Witnesses described DaRosa as walking into Bertucci's quickly and with a purpose. DaRosa walked to an area where the silverware is located. He was acknowledged by two waitresses and it appears one of the waitresses, Sheenah Savoy, was the first person to draw DaRosa's attention.

Ms. Savoy was in the late stages of pregnancy, making her

condition obvious to anyone who saw her. She was at a waitress station, retrieving a steak knife for a customer's plate and DaRosa grabbed the knife from her hand and began to assault her with it. At first Ms. Savoy did not realize that she was being stabbed. As DaRosa moved his hands around Ms. Savoy, she tried to get away from him. DaRosa grabbed Ms. Savoy and she heard him say that he was going to kill her and then kill himself. DaRosa stabbed Ms. Savoy in the head, behind her ear. Savoy suffered five stab wounds and four lacerations.

Other customers began to realize the seriousness of DaRosa's assault on the waitress. Some customers started to flee from the restaurant. Rosemary Heath who was having dinner with her husband, George, was sitting at the bar adjacent to the location of the assault. The two had just sat down, and had only been in the restaurant for a few minutes. Mrs. Heath's attention was drawn when she heard a scream. As she began to observe what was happening, Mrs. Heath saw Ms. Savoy trying to get away from DaRosa as DaRosa continued to stab her in the back. Ms. Savoy was moving towards Mrs. Heath saying "help me, help me." Mrs. Heath pushed Ms. Savoy to the side and put a chair in between DaRosa and Ms. Savoy so that Savoy was able to get some separation from DaRosa, whom Mrs. Heath described as a big guy, much bigger than her husband.

George Heath was also out of his seat and he told DaRosa to stop. Mr. Heath then attempted to stop DaRosa from being able to stab anyone by physically engaging with DaRosa and trying to pin his arms to his side. DaRosa turned to George Heath and raised his arm and stabbed Mr. Heath in the right temple of his head. Mr. Heath fell to the ground. Witnesses described DaRosa as emotionless and determined. Witnesses also stated his attention was diverted quickly.

James Creed, an off-duty Plymouth County Sheriff's Deputy 3 was having dinner in the restaurant with his wife, Laura. Laura is a Registered Nurse. The two were just finishing their dinner when they saw the escalating interaction between DaRosa

and Ms. Savoy across the restaurant. Creed's attention was first drawn when he saw what appeared to be DaRosa punching Ms. Savoy. Creed left his table and circled to an area that gave him a better view. There Creed saw the knife in DaRosa's hand and he realized Savoy was being stabbed. Creed was dressed in shorts and a t-shirt. Ms. Savoy was screaming for help.

Creed was carrying his personal firearm, a .45 caliber Glock. Creed has a license to carry and normally carries a firearm when he is on duty. Creed also had his badge of office with him. As he began to encounter DaRosa, Creed put his badge, which is on a chain, around his neck. Creed pulled out his firearm and identified himself to DaRosa as an officer. Deputy Creed commanded DaRosa to stop, drop the knife, and get down. DaRosa moved towards Creed. Creed stepped back and continued to order DaRosa to get on the ground. Creed heard DaRosa say, "You and I are both going to die today." Faced with an intransigent, armed assailant who had just viciously attacked two people with a knife, continuing to advance on him, Creed took aim and fired a single shot at DaRosa. The bullet penetrated through DaRosa's arm and continued on, entering into DaRosa's midsection. DaRosa tried to keep moving towards Creed, but fell to the ground.

Witnesses described that DaRosa was still conscious and clutching the knife after being shot. Several witnesses observed Creed's badge displayed on a chain around his neck after the shooting. As her husband engaged with DaRosa, Laura Creed, began to render first aid to Ms. Savoy. Mrs. Creed could see that Ms. Savoy had been stabbed repeatedly and she applied pressure to her wounds. Deputy Creed called his wife's attention to Mr. Heath who was on the floor, bleeding from the stab wound to his head. Mrs. Creed left Ms. Savoy in the care of others who had taken over the application of pressure to Ms. Savoy's injuries, and moved to Mr. Heath.

Mrs. Creed tried to render aid to Mr. Heath, but saw that the

injury to his head was not something she could address other than by applying pressure. Nonetheless, Mrs. Creed continued to aid Mr. Heath and comfort Mrs. Heath who described Mrs. Creed as being "so good" in her care of the two of them, all the while directing others who were aiding Ms. Savoy.

Deputy Creed has also been sworn as a Bristol County Deputy Sheriff. As such, Deputy Creed has the authority to act within his police power in Bristol County. Taunton 911 had been called by many people who observed DaRosa along the way. Officers from Taunton, Berkley, Raynham, and Lakeville police departments as well as troopers from the Massachusetts State Police began to respond to the multiple crime scenes. Taunton police Sergeant Michael Tremblay arrived at the mall to a chaotic scene. Sergeant Tremblay entered Bertucci's with his service weapon drawn and Creed put down his firearm and lay on the ground.

Sergeant Tremblay took custody of Creed's firearm, checked Creed's identification and began to coordinate a medical response to the restaurant. George Heath, Sheenah Savoy, and DaRosa were all transported to different area hospitals. Ms. Savoy was transported to Rhode Island Hospital. She had life-threatening injuries and was pregnant. She and her unborn child survived the injuries. George Heath was transported to Morton Hospital in Taunton. He was pronounced dead at 8:07 p.m. on May 10, 2016. DaRosa was transported to Charlton Memorial Hospital in Fall River. He was pronounced dead at 7:50 p.m. on May 10, 2016.

None of the victims or witnesses inside Bertucci's knew DaRosa. Ms. Savoy stated she heard DaRosa say "I'm going to kill you and I'm going to kill myself" as he was stabbing her, but nothing before. Other witnesses in Bertucci's stated that they did not remember DaRosa saying anything. The events inside Bertucci's were not captured on video.

## **PHYSICAL EVIDENCE FROM THE SILVER CITY GALLERIA**

Members of the Massachusetts State Police Crimes Scene Services Section (CSSS) and Firearms Identification Section (FIS) responded to document and collect evidence from the crime scenes. The Honda Accord was in the entry way to the Macy's department store. Members of the CSSS observed that the outer doors of the store were damaged and there was broken glass observed in the entry way and on the sidewalk. There was extensive damage to the front end of the Accord. Blood stains were observed on the walkways of the store between the north entrance and the east entrance.

Blood stains were also observed on the floor and on a clothing rack display near registers in the store. Clothing was on the ground, a mannequin was on its side on a platform, and blood was observed on the center left door handle of the east entrance inner doors. Blood stains along with tissues and napkins with blood were observed outside the Macy's east entrance on the sidewalk and the mall's east entrance near the Bertucci's. No bloodstains were observed in the mall hallway between Bertucci's and the Metro PCS store. No knife was recovered from Macy's or the parking lot outside the north entrance.

Bertucci's was also documented by members of the CSSS. Members of that section noted that tables had been pushed aside, chairs were overturned, and booths were askew. There were several blood stains on the furniture and the floor. A black handled knife with three rivets and blood stains was on the floor near the bar area. A single, discharged cartridge casing was observed on the floor near a booth.

The Honda Accord was removed to the Lakeville Crime Laboratory. Samantha Shaheen, the owner of the vehicle and the mother of DaRosa's children, gave the police consent to search the vehicle. The vehicle was searched and examined by the CSSS technicians. They found no traces of blood in the car. The contents of the car included a check issued to Arthur DaRosa, a Samsung cell phone, and a medication bottle of Hydrocodon



5-325 prescribed to Arthur DaRosa.

No knife was located in the vehicle. Samatha Shaheen reported to the police that the cell phone located in the Accord belonged to DaRosa. Creed's .45 caliber Glock firearm was transferred to the FIS from the Taunton Police who secured at the scene. The firearm, the discharged shell casing found in Bertucci's, and a spent projectile recovered from DaRosa body during an autopsy were examined and compared. It was determined that the discharged shell casing and the spent projectile were fired from Creed's .45 caliber Glock firearm.

## **AUTOPSIES**

An autopsy of Patrica Slavin was performed by Henry M. Nields, MD, the Chief Medical Examiner of the Commonwealth, on May 11, 2016. Dr. Nields observed five stab wounds to Mrs. Slavin's back. Four of the wounds penetrated the skin and soft tissue of the back at depths from 2 1/2 to 5 1/2 inches. One of the five stab wounds perforated the chest cavity and penetrated the left lung. This wound caused a left hemothorax and penetrated to a depth of 5 1/2 inches. Dr. Nields also noted bruising of the torso and right arm and leg. Dr. Nields determined Patrica Slavin's cause of death to be stab wounds to the back with injury to the lung. All of the stab wounds observed by Nields were consistent with having been inflicted on Mrs. Slavin as she lay face down on the floor.

Dr. Nields performed an autopsy of George Heath on May 11, 2016. Mr. Heath suffered a single stab wound to the head. The stab wound penetrated horizontally into the right front temporal region of the head. The stab wound perforated 3/4 inch of the upper portion of the right temporal bone of the skull. The wound penetrated the right frontal lobe of the brain and into the left frontal lobe of the brain. The direction of the penetration was from the right towards the left.

Dr. Nields estimated the depth of the penetration to be 4

inches. Dr. Nields did not observe any other external injuries. Dr. Nields determined George Heath's cause of death to be the stab wound to the head with injury to the skull and brain. Dr. Nields performed an autopsy on the body of Arthur DaRosa on May 11, 2016. Dr. Nields noted a single gunshot wound to the upper extremity and the torso.

Dr. Nields also noted injuries to the left forearm, right shin, and right hand. Dr. Nields determined that the bullet entered DaRosa's upper left arm, travelling through the arm before entering the upper left abdomen. Dr. Nields saw no stippling or fouling to the skin, indicating that the gun that fired the bullet was not in contact with the arm or within a short distance of the arm at the time of the shooting.

After re-entering the body through the upper left abdomen, the bullet perforated the soft tissue of the abdomen, the large intestines, the small bowel mesentery, the inferior vena cava, and then penetrated and came to rest within the right psoas muscle. A deformed, copper jacketed large caliber bullet was located lodged there and removed. This bullet was later examined by the FIS and it was determined that the bullet was fired from Deputy Creed's firearm. Dr. Nields also noted blunt forces trauma to the left forearm and the right shin. Additionally, there was a 2 1/4 inch incised wound to the palm of the DaRosa's right hand.

The wound penetrated approximately 1/8 and inch. This type of injury can be caused by a stabber's hand sliding onto the blade of the knife during a stabbing. The injury is not uncommonly found on the hand(s) of a stabber that has repeatedly used a knife without a hilt, such as a steak knife. Toxicology tests showed no controlled or intoxicating substances in DaRosa's blood. Dr. Nields determined DaRosa's cause of death to be the gunshot wound to the upper extremity and abdomen with perforation of inferior vena cava, the large vein that returns un-oxygenated blood to the heart.

## **ANALYSIS**

On May 10, 2016 Arthur DaRosa committed a series of extremely violent assaults. He started this violent spree with the murder of Patricia Slavin in her home on Myricks Street. DaRosa seriously injured Ms. Slavin's daughter, Kathleen, and he tried to assault others on Myrick Street. DaRosa continued his rampage by moving to the Silver City Galleria. James Creed was having dinner in Bertucci's with his wife when he saw Arthur DaRosa stabbing Sheena Savoy multiple times. Creed then observed DaRosa stab George Heath in the head, a stab wound that ultimately caused Mr. Heath's death. Creed identified himself as a member of law enforcement, both through his words and his badge, and he ordered DaRosa to stop and put down his weapon. DaRosa did not do so and advanced toward Creed. After repeatedly giving commands to stop, to no avail, Creed fired one shot at DaRosa which fatally wounded DaRosa.

All of the attendant circumstances created a situation in which Creed reasonably concluded that DaRosa presented a clear, present, and imminent danger of death or serious bodily injury. Creed reasonably concluded that if he did not take immediate action, that additional people in Bertucci's, and possibly himself, would be killed or seriously injured. Thus, based upon the quickly unfolding violent and dangerous situation that presented itself, James Creed was clearly justified in using deadly force to prevent death or serious bodily injury to himself or other people present. An incised wound is a wound that is longer than it is deep.

## **CONCLUSION**

The circumstances of the deaths of Patricia Slavin, George Heath and Arthur DaRosa have been individually considered. Arthur DaRosa murdered Patricia Slavin and George Heath without any justification or excuse. We have concluded that James Creed was clearly justified in using deadly force. Therefore, it is our judgment that the use of force by Deputy Sheriff Creed in this matter was both justified and lawful.