

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA,  
*Plaintiff,*

v.

C.A. No. 15-525-M-LDA

ROBERT F. STROM, as the Finance  
Director of the CITY OF CRANSTON, the  
CITY OF CRANSTON, and COL.  
MICHAEL J. WINQUIST, in his official  
capacity as Chief of the CRANSTON  
POLICE DEPARTMENT  
*Defendants.*

**DEFENDANT, MICHAEL J. WINQUIST'S,  
RESPONSE TO PLAINTIFF'S INTERROGATORIES**

1. Set forth your complete legal name and address at which you may be served with a subpoena to testify at trial, if necessary.

**RESPONSE: Michael J. Winquist, Colonel, Cranston Police Department, 5 Garfield Ave., Cranston, R.I. 02920.**

2. Set forth your educational background, including the names and addresses of all post-secondary schools you have attended and all degrees or educational honors you have received.

**RESPONSE: Roger Williams University, 1 Old Ferry Rd., Bristol, RI 02809, B.S. Administration of Justice;**

**Anna Maria University, 50 Sunset Lane, Paxton, MA 01612, Masters, Administration of Justice;**

**Rhode Island State Police Training Academy, 1762 Louisquisset Pike, Lincoln, RI 02865;**

**FBI National Academy -- Quantico, Quantico Station, Bureau Parkway, Stafford, VA 22556.**

3. Set forth all positions you have held in law enforcement, including the name and address of your employers, the inclusive dates during which you were employed and the name and last known address of your immediate supervisor.

**RESPONSE:** October 2014 to Present, Colonel, Cranston Police Department, 5 Garfield Ave., Cranston, R.I. 02920; Supervisor: Mayor Allan Fung, 896 Park Ave., Cranston, R.I. 02910;

1990-2014; Rhode Island State Police, 311 Danielson Pike, North Scituate, R.I. 02857, Retired at Rank of Lieutenant Colonel/Deputy Superintendent;

4. Describe all formal training you have received in law enforcement with respect to the seizure of firearms.

**RESPONSE:** I received various trainings with respect to the seizure of firearms at the Rhode Island State Police Academy and various other trainings with respect to the seizure of firearms throughout my career while an officer of the Rhode Island State Police.

5. Describe all formal training you have received in law enforcement with respect to domestic incidents in which there are firearms in the house.

**RESPONSE:** I received various trainings with respect to domestic incidents in which there are firearms in the house at the Rhode Island State Police Academy and various other trainings with respect to domestic incidents in which there are firearms in the house throughout my career while an officer of the Rhode Island State Police.

6. Describe all formal training you have received in law enforcement with respect to requests that persons have psychiatric, psychological or medical examinations.

**RESPONSE:** I received various trainings with respect to requests that persons have psychiatric, psychological or medical examinations at the Rhode Island State Police Academy and various other trainings with respect to requests that persons have psychiatric, psychological or medical examinations throughout my career while an officer of the Rhode Island State Police.

7. Identify and describe each occasion from 2006 to the present on which you have seized the firearms of a person who was not charged with a crime, including, but not limited to, the date of each seizure, the name and last known address of each such person, the circumstances of each seizure, and, the reasons for each such seizure.

**RESPONSE:** None.

8. Set forth the basis of or reasons for Defendants' decision to seize Plaintiffs firearms, including but not limited the name and last known address of each person having knowledge of such facts.

**RESPONSE:** I have no direct knowledge of the decision to seize Plaintiff's firearms. I was not involved in the incident or the decision to seize Plaintiff's firearms. Please see response to Interrogatory 10 and 16 and the attached Incident Report (Exhibit A) concerning the

basis of or reasons for the decision to seize Plaintiff's firearms. It is my general understanding from a review of the Incident Report (Exhibit A) that the primary purpose for Defendants' decision to seize Plaintiff's firearms was for safekeeping for public safety and for the safety of the owner of the firearms. Please refer to the attached Incident Report (Exhibit A) with respect to the name of each person having knowledge of such facts:

- Officer John Mastrati;
- Officer Wayne Russell;
- Officer Austin Smith;
- Sgt. Brandon Barth; and
- Captain Russell Henry, Jr.

All of the above listed individuals may be contacted care of the Cranston Police Department 5 Garfield Ave., Cranston, R.I. 02920

I adopt and incorporate the narrative in the attached Incident Report (Exhibit A) as to what occurred.

9. Identify and describe each occasion from 2006 to the present on which you have asked a person who was not charged with a crime, other than a police officer, to have a psychiatric, psychological or medical examination, including, but not limited to, the date of each seizure, the name and last known address of each such person, the circumstances of each seizure, and, the reasons for each such request.

**RESPONSE:** None.

10. Set forth the basis of or reasons for Defendants' decision to ask Plaintiff to have a psychological, psychiatric or medical exam, including the name and last known address of each person having knowledge of such facts.

**RESPONSE:** I have no direct knowledge of the decision to ask Plaintiff to have a psychological, psychiatric or medical exam. I was not involved in the incident. Please see response to Interrogatory 10 and 16 and the attached Incident Report (Exhibit A) concerning the basis of or reasons for Defendants' decision to ask Plaintiff to have a psychological, psychiatric or medical exam. As reflected in the Incident Report (Exhibit A), it is my understanding that Cranston Police asked Plaintiff to speak to someone at Kent County Hospital and Plaintiff agreed to speak to someone at the hospital. Although I was not involved in the incident involving Plaintiff, it is my general understanding from a review of the Incident Report (Exhibit A) that the Cranston Police asked Plaintiff to speak to someone at the hospital as a result of several factors, including, but not limited to, the following:

1. Plaintiff and his wife were involved in divorce proceedings;
2. Plaintiff was "sick" of the arguments between him and his wife and he wanted to "work things out";

3. Plaintiff and his wife were involved in an argument about a mug which precipitated the contact with Cranston Police;
4. During the argument Plaintiff grabbed a firearm with one hand and a magazine with the other and directed his wife to end his life because he could not "take it anymore";
5. Plaintiff was upset;
6. Before Cranston Police spoke to Plaintiff, Plaintiff's wife expressed her concern to Cranston Police that Plaintiff may have committed suicide.

Please refer to the attached Incident Report (Exhibit A) and the answer to interrogatory 8 with respect to the name of each person having knowledge of such facts.

I adopt and incorporate the narrative in the attached Incident Report (Exhibit A) as to what occurred.

11. Identify the person(s) at the Cranston Police Department from 2006 to the present who have had the authority to return seized firearms to their rightful owner, including the name and last known address of each such person, and his or her qualification to make such decisions.

**RESPONSE:** Generally, the Sergeant in the BCI Unit is responsible for the return/disposal of all seized property. Generally, the release of firearms requires the additional approval from the Detective Captain who oversees the Detective Division, which includes the BCI Unit. The individuals in these positions are qualified to make these decisions as a result of their experience and rank. Since 2006 the following individuals have served in the positions:

**BCI Unit:**

Lieutenant Michael Pezzullo; Sergeant Michael Pattnaud

**Detective Division:**

Major Robert Quirk; Retired Major Robert Ryan; Captain Carl Ricci; Retired Captain Stephen Antonucci; Retired Captain Sean Carmody; Captain Karen Guilbeault; Captain Vincent McAteer; Acting Captain Dennis Neri.

All of the above listed individuals may be contacted care of the Cranston Police Department 5 Garfield Ave., Cranston, R.I. 02920

12. Identify each occasion from 2006 to the present on which you have made the decision to return seized firearms to their rightful owner without a court order, including, but not limited to, the date of each such decision, the name and last known address of each such owner, and the basis of or reasons for each such decision.

**RESPONSE:** The only occasion, from 2006 to the present, in which I made the decision to return seized firearms to their rightful owner without a court order was in the situation involving Plaintiff. I made this decision in or about late December 2015. Please see the answer to interrogatory No. 14.

13. State whether since 2006 Defendants have ever disposed of seized firearms other than by returning them to the persons from whom they seized and, if so, set forth the name and last known address of each such person, date of each such disposal, the manner of such disposal and the reasons for each such disposal.

**RESPONSE:** Since 2006 the Cranston Police Department has disposed of seized firearms other than by returning them to the persons from whom they are seized. Unclaimed firearms are ultimately melted down. The destruction of the firearm is documented and includes taking a video of the destruction. Prior to the destruction of the firearm, the Cranston Police Department forwards a certified letter to the last known owner of the firearm informing the owner that if they do not respond to Cranston Police Department to take possession of their property, the firearm will be destroyed. See Cranston Police Department Firearm Destruction Log (Exhibit B).

14. Set forth the basis of or reasons for Defendants' decision to return Plaintiff's seized guns, including the name and last known address of each person having knowledge of such facts.

**RESPONSE:** Defendants were advised by counsel. To the best of my knowledge, myself and the City Solicitor have knowledge of such facts.

The City Solicitor is Christopher Rawson, Esq., Cranston City Hall, 896 Park Ave., Cranston, R.I. 02910;

15. Identify the Cranston police officers who went to Plaintiff's home on August 21, 2015, including their complete names and last known addresses, and describe all training received by each officer prior to that date respecting the seizure of firearms, domestic incidents, and suspected suicide attempts.

**RESPONSE:** Please see attached Incident Report (Exhibit A) and the answer to Interrogatory No. 8, above. The officers received training at the Municipal Police Academy. In addition, see attached (Exhibit C) for training materials.

16. Set forth your understanding of why Cranston police officers went to Plaintiff's home or residence on August 21, 2015 and what occurred there, including, but not limited to, the facts upon which you base your denials of the allegations of Plaintiff's Verified Complaint.

**RESPONSE:** As noted above, I was not involved in the incident and I have no direct knowledge of the circumstances surrounding the incident. It is my general understanding, as indicated in the Incident Report (Exhibit A), that Cranston Police Responded to Plaintiff's home as a result of Plaintiff's wife contacting the Cranston Police Department on August 21, 2015. Plaintiff's wife reported to the Cranston Police that she and Plaintiff had

had an argument on August 20, 2015. During the argument Plaintiff took out an unloaded gun in one hand and the magazine in the other hand and "told her to use it on him" to end Plaintiff's life. Plaintiff's wife left the residence and stayed at a motel for the evening. Plaintiff contacted his wife by telephone at the motel that evening and Plaintiff's wife informed Cranston Police that Plaintiff sounded upset. Plaintiff's wife informed Cranston Police that she and Plaintiff were currently going through a divorce and that she had not heard from Plaintiff since speaking to him while she was at the motel. Plaintiff's wife informed Cranston Police that she was afraid of returning to the residence and discovering that Plaintiff had committed suicide.

After speaking to Plaintiff's wife, Cranston Police went to Plaintiff's residence to speak to Plaintiff. Plaintiff informed Cranston Police that he and his wife were going through a divorce and that he is "sick of the arguments." Plaintiff informed Cranston Police that he and his wife had an argument over a mug and that during the argument Plaintiff took out a gun and a magazine and asked his wife to "just end his life because he can't take it anymore."

I adopt and incorporate the narrative in the attached Incident Report (Exhibit A) as to what occurred.

It is my understanding that the complaint was answered by my attorneys after their review of the pertinent facts and applicable legal authority.

17. Set forth all facts upon which you base your defense of "absolute and qualified "immunity" including the name and last known address of each person having knowledge of such facts.

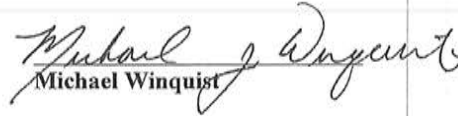
**RESPONSE:** The defense was introduced by my attorney. I am informed that affirmative defenses may or may not be waived if not appropriately raised. It is my general understanding that the facts upon which all affirmative defenses are based are contained in the Incident Report (Exhibit A) attached to this response.

18. Set forth all facts upon which you base your defense of "statutory and common law immunity" including the name and last known address of each person having knowledge of such facts.

**RESPONSE:** The defense was introduced by my attorney. I am informed that affirmative defenses may or may not be waived if not appropriately raised. It is my general understanding that the facts upon which all affirmative defenses are based are contained in the Incident Report (Exhibit A) attached to this response.

19. Identify the "statutory cap on damages" which you assert as a defense.

**RESPONSE:** The defense was introduced by my attorney. It is my general understanding that the "statutory cap on damages" is, generally, outlined in R.I.G.L. § 9-31-1.

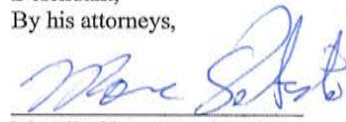
  
Michael Winkquist

STATE OF RHODE ISLAND  
COUNTY OF Providence

Subscribed and sworn to before me on this 12<sup>th</sup> day of May, 2017.

  
NOTARY PUBLIC  
My Commission Expires 9/19/20

As to Objections,  
Defendant,  
By his attorneys,

  
Marc DeSisto, Esq. (#2757)  
DESISTO LAW LLC  
211 Angell Street  
Providence, RI 02906  
401-272-4442  
[marc@desistolaw.com](mailto:marc@desistolaw.com)

CERTIFICATION OF SERVICE

I hereby certify that a true and accurate copy of the within was emailed, and ~~mailed~~, hand-delivered,  
~~postage prepaid~~, on this 12<sup>th</sup> day of May, 2017, to:

Thomas W. Lyons, Esq. #2946  
Strauss, Factor, Laing & Lyons  
One Davol Square, Suite 305  
Providence, RI 02903

