

In The Matter Of:

Caniglia vs

Strom, et al

Edward A. Caniglia

June 29, 2018



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1 New Hampshire, lot of places over twenty years.

2 Moved back to Rhode Island. We moved to Warwick and
3 then Cranston.

4 Q. So is it fair to say in 2015 you were living at
5 2300 Cranston Street?

6 A. Yes.

7 Q. And I understand you're currently married to
8 Kim Caniglia, correct?

9 A. Yes.

10 Q. Were you married before?

11 A. No.

12 Q. And when did you marry Kim?

13 A. 1993.

14 Q. Do you and Kim have any children?

15 A. No.

16 Q. Where did you go to high school?

17 A. Bishop Hendricken.

18 Q. What year did you graduate high school?

19 A. '68.

20 Q. Did you pursue any education after high school?

21 A. Yes.

22 Q. And what type of education did you pursue after
23 high school?

24 A. A BA, Rhode Island College. And I worked on a
25 MBA at Bryant.

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1 MR. LYONS: Yes.

2 MS. MURPHY: I'll be very specific.

3 I apologize.

4 Q. With respect to statement Number 5, the second
5 sentence, "During the argument, he brought the
6 unloaded handgun from under the bed and a bullet
7 magazine. ."

8 A. No.

9 Q. ". .to the kitchen."

10 A. The bullet magazine never left its place under
11 the bed.

12 Q. So, again, just to confirm, you don't agree with your
13 with wife's statement?

14 A. There was also a statement -- and, no, I don't
15 agree with that.

16 MS. MURPHY: Okay.

17 MR. LYONS: And just to be clear, the
18 part of Paragraph 5 you don't agree with is the part
19 about the bullet magazine?

20 THE DEPONENT: Yes.

21 MR. LYONS: Okay.

22 Q. And just to confirm, but you agree with the clause
23 "shoot me now," that you said, "shoot me now and get
24 it over with"?

25 A. Yes.

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1 your Complaint. I would like to draw your attention
2 to Paragraph 18 of the Complaint, which is on page
3 18. Page 5. I apologize. And I would like you to
4 have the opportunity to read that to make sure you
5 have that information.

6 (Brief interruption)

7 Q. And I'd like to read that out loud, this paragraph.
8 It says, "On or about August 21, 2015, Cranston
9 police officers Russell, Smith, Mastrati and Barth
10 and Cranston Rescue paramedics went to Plaintiff's
11 residence at 2300 Cranston Street, Cranston,
12 Rhode Island in response to a call from Plaintiff's
13 wife, Kim Caniglia, who said she was concerned about
14 Plaintiff as she had not heard from him following a
15 dispute between the couple the preceding evening.
16 Mrs. Caniglia was not concerned about her own
17 safety."

18 Now, my question for you is that, do you
19 recall or do you have any personal knowledge of
20 whether she made that call to 911?

21 A. Call to the police?

22 Q. Or to the -- or directly to the Cranston Police
23 Department.

24 A. I don't know.

25 Q. Okay. Do you recall where you were at the time? Did

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1 she explain to you on any information detailing the
2 call that she made to whether it be the Cranston
3 Police Department or 911 on that day? Did you have
4 any conversations with her about that call?

5 A. Other than I was -- her initial call to me, I was
6 unavailable to answer it. I was in the john. I came
7 out. I saw the phone call from her on the caller
8 ID. I called her back. The line was busy. I got
9 off the line. I waited a few minutes. I called her
10 back. The line was busy. Then I received the phone
11 call from one of the police officers.

12 Q. This is a circumstance where I'd ask you if you could
13 approximate what the time frame was between when you
14 first saw the initial call from Kim Caniglia to the
15 point that you called her back and the line was busy.

16 A. Three to four minutes.

17 Q. And then I understand that you waited a few minutes
18 and then tried to call her phone again and the line
19 was busy. Do you recall the time frame between --

20 A. No.

21 Q. -- your first phone call and second call?

22 A. No. No.

23 Q. Was it less than ten minutes?

24 A. I do not remember.

25 Q. Was it more than --

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1 A. It's not -- it's grammatically inaccurate.

2 Q. So when you're saying they, instead of saying
3 multiple people or at least more than one person,
4 you're referring to only --

5 A. Well, an officer called plaintiff --

6 MS. MURPHY: And I ask, again, --

7 MR. LYONS: Let her finish her question.

8 MS. MURPHY: -- let me ask --

9 THE DEPONENT: Okay.

10 Q. And, again, this is really for, not only for me to be
11 able to communicate my question, for you to be able
12 to understand my question, but also for the
13 stenographer to be able to write down everything we
14 say, since it's very difficult if two people are
15 talking at the same time. So I'm going to repeat my
16 question. With respect to Paragraph 20, in which it
17 says: "An officer called Plaintiff on the telephone,
18 informed Plaintiff they were there to check on his
19 well-being and asked if they could stop by
20 Plaintiff's residence to which he agreed." That
21 information is not accurate because -- is that fair
22 to say?

23 A. That's fair to say.

24 Q. And you indicated today that your recollection is
25 that it was one officer informed plaintiff he were

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1 there to check -- was there to check?

2 A. That is correct, yes.

3 Q. Okay. Is it fair to say that this statement is not
4 accurate in your Complaint?

5 MR. LYONS: Objection.

6 A. It is grammatically confusing the way it was
7 written. "An officer called Plaintiff on the
8 telephone. ." We changed from the singular to
9 multiples within the same sentence. It's
10 ". .informed Plaintiff they were there to check. ."
11 He asked plaintiff if it was okay for them to call --
12 for him to come by and check on his well-being. He
13 asked if he could stop by the residence.

14 Q. Okay. And do you recall the name of the particular
15 officer that you're referring to when you say an
16 officer and he with respect to Paragraph 20?

17 A. Who I spoke to on the phone then?

18 Q. Yes.

19 A. I cannot remember.

20 Q. Okay. Do you recall who responded to your residence
21 from the Cranston Police Department?

22 A. There were four officers. I've since been
23 informed that one of them was named Mastrati.
24 I never learned the other officers' names. Mastrati
25 appeared to be leading the others but referred to one

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1 left up here," and I look at you because you're
2 familiar with the direction we're traveling, you
3 would just nod "yes." If I was -- if I say, "We're
4 taking a left up here," and you know that's the wrong
5 way, you shake your head "no." So the other officer,
6 Mastrati would ask this other officer. He --
7 Mastrati would make a statement.

8 Q. Okay.

9 A. And look to the other officer for confirmation.
10 And he would just nod his head. He would look to him
11 for a confirmation. And he would shake his head
12 "no," and then he would assist. He would offer a
13 different version of where the conversation should
14 go.

15 Q. And when you say different version of where the
16 conversation should go, what do you mean by that?

17 A. I can't exact -- I can't remember exact moments,
18 but I can remember the officer in the white shirt
19 initially suggesting the confiscation of my firearms.

20 Q. And you said initially confiscating the firearms.
21 Can you explain to me how -- was that based on your
22 personal observations?

23 A. Yes.

24 Q. And where were you positioned at the time when you
25 made these observations?

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1 A. I was standing in front of them.

2 Q. And where were you --

3 A. On my porch.

4 Q. -- situated in front?

5 A. Back porch.

6 Q. And you say confiscating your firearms, correct?

7 A. Yes.

8 Q. In what location was he confiscating your firearms?

9 A. He was --

10 MR. LYONS: Objection.

11 Q. Based on your personal knowledge.

12 MR. LYONS: Objection.

13 A. (No response)

14 Q. Well, let me return to one of my questions that I
15 earlier asked. You said you had personal
16 observations of an officer initially confiscating
17 your firearms. Can you explain in more detail what
18 you observed?

19 MR. LYONS: Objection. I don't think he
20 said that.

21 A. No, I did not say that.

22 Q. Well, what did you say when you said -- sure. I'll
23 rephrase my question. You said an officer in white
24 was initially confiscating your --

25 MR. LYONS: Okay. If I can.

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1 MS. MURPHY: Off the record, yes.

2 MR. LYONS: Yes, let's go off the record.

3 (Discussion off the record)

4 THE COURT REPORTER: Back on the record?

5 MR. LYONS: Yes, back on the record.

6 Q. And so I apologize. I misheard your earlier
7 statement.

8 A. He --

9 Q. And I'll ask to clarify. You stated earlier that you
10 heard an officer suggest the confiscation of your
11 firearms.

12 A. Yes. He suggested that in situations like this,
13 but that's not -- that's when I told them, "You're
14 not confiscating anything."

15 Q. And just to be clear, when you said, "You're not
16 confiscating anything," you're directing this
17 statement to the officer in the white shirt?

18 A. To the officers, all the officers.

19 Q. Do you recall how the officers were positioned when
20 you were having this -- making this statement, where
21 they were located?

22 A. One was here, one was here, one was directly in
23 front of me, and the other one was behind him.

24 Q. And was this in the back yard of your house?

25 A. On the back porch.

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1 A. I believe they asked me -- I believe they asked
2 -- they spoke with my wife in the waiting room. And
3 she said, "Has he been upset about anything lately?"
4 And she said that -- she said my father had passed
5 away and a friend of mine had committed suicide.
6 She said I'm -- thinks I was depressed. She said,
7 "I think he's depressed about that. "

8 Q. And I'd like to direct your attention to Bates
9 stamp 19. It says: Discharge Diagnosis:
10 Depression, hypertension, Established, Out of
11 Control. With depression, do you know, do you have
12 any personal knowledge as to why the information in
13 the discharge diagnosis says depression?

14 A. No.

15 Q. Okay. Do you have -- are you -- at the time did you
16 experience any depression, on August 21st, 2015?

17 A. No.

18 Q. And you mentioned that the information you believe to
19 be the source of this is through your wife?

20 A. Normal sadness.

21 Q. Okay. Did you have any follow-up visits with any
22 doctors after your visit at Kent Hospital?

23 A. Yeah. I did see my own physician.

24 Q. Your own physician? Okay.

25 A. But not -- not because of this. I ignored this.

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1 Q. You ignored this?

2 A. Yes.

3 Q. And what do you mean by that?

4 A. Ignored their recommendation to see a physician
5 for my depression, since I was not depressed.

6 Q. And you mentioned that you were not depressed. From
7 August 21st, 2015 to the present, have you
8 experienced any feelings of suicide or depression?

9 A. No. Exactly the opposite.

10 Q. And by the opposite, what do you mean? I mean,
11 I know that sounds like a simple question. But if
12 you could just elaborate a little bit more.

13 A. What can I answer?

14 MR. LYONS: How have you felt since
15 August of 2015?

16 A. (Continued) I've felt how wonderful and great
17 life is.

18 Q. Well, I'm happy to hear that.

19 A. And every day is a gift.

20 Q. I'm happy to hear that. Is it fair to say that at
21 this time you don't feel any thoughts of threatening
22 suicide? And, again, I know I asked this question in
23 a similar format, but I'm going to ask this
24 specifically. Do you have any feelings of suicide or
25 think of any potential thoughts of suicide in the

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1 Q. Okay.

2 A. That's about it.

3 Q. Now I'd like to move forward to conversations on
4 scene. And you indicated to me that there's more
5 details as to the conversations with the officers on
6 scene. Can you explain to me what those details are?

7 A. The officers stated to me that how they handle
8 these situations was that if I submitted to a psych
9 evaluation that morning at Kent County Hospital, my
10 firearms would not be removed from the house.

11 Q. And when you said officers, who are the particular
12 officers?

13 A. Mastrati and the gentleman in the white shirt.
14 The two younger officers said nothing during these
15 entire conversations.

16 Q. And you earlier described when we had this
17 conversation earlier in the deposition about your
18 conversations with the officers on scene when they
19 arrived, you mentioned that Kim Caniglia was not on
20 scene at that time; is that fair to say?

21 A. She was not at the scene. She was not at the
22 house.

23 Q. She was not at the house?

24 A. She was across the street in her car on a side
25 street.

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1 Q. During the time that you recall the police being
2 present on August 21st, 2015 when they responded to
3 the call, do you recall having any contact with
4 Kim Caniglia?

5 A. She walked up to the house. I walked over to
6 her. I said, "What did you do?" And she said
7 nothing. She just turned around and walked back to
8 her car.

9 Q. And when you said she said nothing, are you
10 indicating that she was silent or she said the word
11 "nothing"?

12 A. She said -- she was silent.

13 Q. Okay. Between the time of that conversation and
14 going into rescue to go to the hospital, did you have
15 any other contact --

16 A. None.

17 Q. -- with Kim Caniglia then?

18 A. (No further response)

19 Q. I would like to direct your attention to the bottom
20 of this paragraph, bottom of this narrative on page 1
21 of the narrative. And I'm just going to read this
22 out loud, and I'm going to ask you if you believe --
23 if you agree with this statement. I asked Edward
24 what happened the night before, and he stated to me
25 that they got into an argument over a coffee mug. He

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1 stated that he is going through a divorce and is just
2 sick of the arguments, and at the time he took out
3 his handgun and the magazine in the other hand, which
4 was unloaded at the time. And he asked Kim to just
5 end his life because he couldn't take it any more.
6 Edward then stated that she stated that she was going
7 to call 911, and that's when he placed the firearm
8 down on the counter and he left for one hour.

9 A. No. He stated -- I have never used the word
10 "divorce" and my wife at any time. We have never
11 said the word "divorce" to each other during our
12 entire marriage.

13 Q. And when you stated we never stated divorce, is it
14 conversations that you had between you and your wife?

15 A. Yes. I've never said "divorce" to the officer.
16 I never said "divorce" to my wife. I've said
17 "divorce" to no one.

18 Q. Okay. And I just want to go into a little bit more
19 detail. When you said -- when it says "he took out
20 his handgun," where was your handgun at the time?

21 A. Under the bed.

22 Q. Under the bed. Did you go to the bed and go under
23 the bed and then go to the counter and place it on
24 the counter?

25 A. Never went to the counter. It was on the dining

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1 Q. -- a statement in your Complaint. I just want to
2 make sure and see if that information refreshes your
3 recollection.

4 A. It could have been the way it happened.

5 Q. Okay.

6 A. I do not remember exactly.

7 Q. Is it here today, are you unsure as to whether or not
8 you did go on the second week of September 2015?
9 This is something in your Verified Amended Complaint
10 as to one of the statements you make, statement of
11 facts. So I just want to make sure if this
12 information is accurate, based on your recollection.

13 A. It's accurate.

14 Q. Okay. So moving forward with that, with respect to
15 on or about the second week of September of 2015, you
16 going to the Cranston Police Department to retrieve
17 your guns, you mentioned "but Defendants again
18 refused to return" your guns. And you mentioned
19 defendants. Who specifically are you referring to in
20 that statement?

21 A. The voices on the telephone.

22 Q. Voices on the telephone? And what do you mean by
23 that?

24 A. Have you ever been to the Cranston Police
25 Department?

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1 Q. Are you saying that the phone when you're at the
2 Police Department contacting through a divider?

3 A. There's no one there. There's only a phone in
4 the lobby. And someone -- the phone rang after I had
5 asked -- spoken to someone. They said, "We will hang
6 up the phone. I'll get back to you." I hung up the
7 phone. I waited a considerable amount of time,
8 unsure how long. Phone rang, and I was told I was
9 not getting the firearms back.

10 Q. And you had what? I apologize. I missed --
11 I couldn't hear it.

12 A. They would not return the firearms to me.

13 Q. And was that one officer that you spoke with over the
14 phone?

15 A. That was an officer. I don't think he knew
16 exactly what was going on.

17 Q. Did he identify himself to you?

18 A. I used the name, which I have -- the name
19 I forgot was the officer who called me. I asked if
20 he was there. They said, "No." They hung up the --
21 we hung up the phone. He said, "I'll call you back."
22 I waited downstairs. Phone rang. He told me that
23 officer was not there, and the officer-in-charge was
24 not going to release the firearms.

25 Q. And did he -- the person you spoke with over the

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1 MR. LYONS: I think he said where she
2 always hides things.

3 Q. Where she always hides things?

4 A. Yes.

5 MS. MURPHY: Okay. Let me just take a
6 moment just to look over this real quick to see if
7 I have any additional.

8 MR. LYONS: I have a couple of questions.

9 MS. MURPHY: Okay.

10 MR. LYONS: So why don't you let me ask
11 my questions.

12 MS. MURPHY: Okay. Sounds good.

13 MR. LYONS: And then you can figure out
14 if you have any more.

15 EXAMINATION BY MR. LYONS

16 Q. Mr. Caniglia, when you brought the gun out from under
17 the bed, you said you did not bring the magazine?

18 A. Correct.

19 Q. Was the gun loaded at all?

20 A. No.

21 Q. Okay. The police Incident Report, the narrative says
22 that you said you were getting a divorce. Just to be
23 clear, did you ever tell the police --

24 A. No.

25 Q. -- that you were going through a divorce?

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1 A. No.

2 Q. The Incident Report on the second page of the
3 narrative says, quote: I asked Edward to get checked
4 out by rescue and to talk to someone at the hospital
5 which he willingly agreed to. Do you see that?

6 A. Yes.

7 Q. Is that correct? Did you willingly agree to get
8 checked out at the hospital?

9 A. I agreed to go to the hospital to prevent the
10 confiscation of my weapons.

11 Q. Okay. Would you have agreed to go to the hospital if
12 your weapons weren't going to be confiscated?

13 A. No.

14 (Discussion off the record)

15 Q. Did you incur any bills as a result of this incident?

16 A. Yes.

17 Q. What bills?

18 A. The rescue squad paid for that. I had to pay
19 co-payment for the time spent at Kent County
20 Hospital. That's it.

21 Q. Do you recall about how much those bills were?

22 A. About a thousand dollars or so.

23 Q. And then I know you can't read it, the Cranston --
24 so I'll read it to you. The Cranston Fire Department
25 report, the narrative, it says: Wife leaving him,

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1 MS. MURPHY: I just have one follow-up
2 question if that's okay.

3 MR. LYONS: Yes.

4 MS. MURPHY: Just one question.

5 MR. LYONS: Yes.

6 FURTHER EXAMINATION BY MS. MURPHY

7 Q. And it's referring to what's actually in front
8 of you, your response to interrogatories. And
9 I actually want to direct your attention to page 3
10 and the last -- that we have three full paragraphs
11 under Interrogatory Number 7 on the top of page 3.
12 I want to direct your attention to the second full
13 paragraph, and I want to direct you to the last two
14 sentences. "They asked about my mental health."
15 I said -- or the three last sentences. "They said
16 they took what I did as a threat to commit suicide.
17 They asked about my mental health. I said that was
18 none of their business." With respect to the last
19 sentence in which it says, "I said that was none of
20 their business," what do you mean by that?

21 A. They're not medical professionals.

22 Q. And by saying that they were not medical
23 professionals, what are you saying by saying that
24 they're not medical professionals?

25 MR. LYONS: Objection.

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1 A. They should be making an evaluation based on
2 legal behavior, a criminal behavior, obvious mental
3 problems, not my -- their evaluation when they had on
4 one hand called me normal and then asked me about my
5 health or my mental condition.

6 Q. And when you say one hand called you normal, who are
7 you referring to?

8 A. It was in like one of the other -- in their
9 report. His behavior was normal. In their Incident
10 Report it states: His behavior was normal.

11 MR. LYONS: Is there a question?

12 MS. MURPHY: Well, I've asked a question,
13 and then you just followed up. I have no further
14 questions --

15 MR. LYONS: Oh okay.

16 MS. MURPHY: -- at this time.

17 MR. LYONS: Okay.

18 THE COURT REPORTER: Could counsel place
19 on the record what they'd like for copies.

20 MS. MURPHY: I would like an electronic
21 copy.

22 MR. LYONS: Yes, please, same.

23 (Discussion off the record)

24 (Deposition concluded at 12:20 p.m.)

25