

**In The Matter Of:**

*Caniglia vs  
Strom, et al*

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*Sergeant Brandon Barth  
July 19, 2018*

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1 have changed any outcome at that time.

2 Q. Okay. If you go down to Number 4, it says,  
3 "During the argument plaintiff grabbed a firearm  
4 with one hand and a magazine with the other." Do  
5 you see that?

6 A. Yes.

7 Q. Okay. Do you recall someone telling you that, in  
8 fact, Mr. Caniglia had a firearm in one hand and  
9 a magazine in the other?

10 A. Specific, I don't know if it was him or an  
11 officer that had relayed it on scene or if it was  
12 Mrs. Caniglia, but going off of the dispatch,  
13 Exhibit 22 there, she had mentioned something  
14 different, so specifically I don't know who said  
15 that.

16 Q. Okay. Would it have made a difference to you  
17 here if, in fact, he had not had a magazine in  
18 his hand?

19 A. Wouldn't have made a difference. The fact  
20 that the -- it's a firearm. It is a true firearm  
21 that whether or not it was loaded or not, whether  
22 or not he made reference to load it, it doesn't  
23 really change much, in my opinion.

24 Q. Number 5 says "plaintiff was upset."

25 A. Yes.

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1 Q. Have you described for me the way in which  
2 plaintiff was upset?

3 A. Just the -- the anger and trepidation when we  
4 were on scene speaking to him on the porch.

5 Q. And that had to do with the fact that the police  
6 had gotten involved?

7 A. Yes.

8 Q. Okay. If you go to Number 8 it says, "Upon  
9 returning to the residence, plaintiff's wife  
10 parked her car about 100 feet away from the  
11 residence and remained in her car until plaintiff  
12 left the property by rescue." Do you see that?

13 A. Yes.

14 Q. My understanding, as you testified earlier, that  
15 she did that because she was told to by the  
16 Cranston Police.

17 A. Yes.

18 Q. Okay.

19 A. May I go back to that?

20 Q. Oh, yes. Yes.

21 A. I just -- she was told to, meaning advised,  
22 that we as the police department wanted to make  
23 contact. She was concerned about what could have  
24 possibly happened. We didn't want Mrs. Caniglia  
25 to possibly walk into something tragic. So,