

EXHIBIT A

1 Q Were you employed in August of 2015?

2 A No, I had just lost my job.

3 Q What did you do before 2015?

4 A I worked for Swank.

5 Q In Attleboro?

6 A Yeah, in Taunton for 18 years.

7 Q What did you do for Swank?

8 A I was the financial manager, then promoted to
9 merchandising manager until we were bought out and then
10 they closed Swank.

11 Q Mr. Caniglia's lawsuit -- am I saying that right?

12 A Yes, the Italian way.

13 Q I was schooled on that, believe me. The lawsuit is based
14 on an August 20, 2015 incident that occurred at your
15 house on Cranston Street; is that correct?

16 A Yes.

17 Q As you sit here today, do you have an independent
18 recollection of that event?

19 A Yes.

20 Q It is my understanding that the incident started over an
21 argument over a coffee mug; is that correct?

22 A Yes.

23 Q Could you describe for me how the incident started
24 relative to the coffee mug?

1 A The coffee mug was a coffee mug that Ed and I had gotten
2 in Florida at Disney World. In 1995 when my father was
3 dying we drove down to Florida because we couldn't get a
4 flight and we took the coffee mug with us. During that
5 time at the hospital, my brother Eric got the coffee mug,
6 he used it, and in all of the confusion with my father
7 passing we forgot to bring it home. So Eric had it for
8 years. And then finally at one point he remembered to
9 give it back. And Ed felt like it was tainted. He
10 hadn't had it. Eric had it. I had a very good
11 childhood. He didn't have a very good childhood. So it
12 was kind of like, I don't want it anymore. And I never
13 knew that until that night. And he would place it where
14 we put recyclables, and I thought he just forgot, so I
15 cleaned it and put it back in the cupboard. Then he had
16 put it on the deck where I would see it, and it was,
17 what's up with this? And he started to tell me that my
18 family wasn't all that great, and that's how the argument
19 started.

20 Q If you could, and I know this happened almost three years
21 ago, could you just give me a timeline from when the
22 argument started about the coffee mug and how it
23 progressed?

24 A I asked him what was wrong. I asked him how I could

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1 help, that he wasn't happy, that I didn't know what I
2 could do to make him happy, that he was way out in left
3 field. I didn't know where it was coming from. I didn't
4 know how to react to it. He was -- He argued that I
5 liked my brothers better than him, that I should go live
6 with my brothers down in Florida. My mom had passed away
7 so I didn't have my mom. She had died just a year
8 before. And so I didn't know how to help him. I didn't
9 know why he was in such a dark place.

10 Q Had you been having marital problems before this?

11 A No. We had a very rough couple of years with his father
12 passing the year before, one of his best friends passing
13 that year. The day before his father died, Ed had a
14 duodenal ulcer that ate into the vein and he was bleeding
15 out and had to be brought to Rhode Island Hospital. I
16 was told at the hospital that a normal person's
17 hemoglobin is anywhere between 14 to 16. His was at a 5.
18 They say critical was 10. So he was in dire straits, and
19 the next day his dad died. So during that point he felt
20 very guilty that he wasn't there for his father when he
21 died. So I really kind of thought that this depression
22 was really coming from that as well. That was in 2013.
23 August 17, 2013 is when his dad died. The following
24 September I found out my mom had pancreatic cancer that

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1 Q So during the argument about the coffee mug, Ed goes and
2 gets a gun; is that correct?

3 A In the timeline the argument started out on the deck and
4 that was where the argument was about the gun and I told
5 him I didn't care about the mug.

6 Q You just said the argument was about the gun. Did you
7 mean the mug?

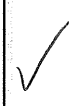
8 A I'm sorry. The mug. I'm sorry.

9 Q It's okay.

10 A Okay.

11 Q So the argument starts on the deck about the mug?

12 A Yes. And I said, I didn't care about the mug, fine, we
13 can throw it away, it doesn't mean that much. And by
14 that point he-- I wanted to move inside. I didn't want
15 our neighbors or anything to hear what we were saying and
16 so we moved inside. It was probably an hour, hour and a
17 half, we were still having the periods of silence, the
18 periods of talking. Again, I said, what's wrong? Why
19 aren't you happy? I can't make you happy, you have to do
20 that yourself. And that's when he walked into the
21 bedroom, I didn't know what he was going to do, but he
22 came out with the gun, threw it on the table, and said,
23 why don't you just shoot me and get me out of my misery?
24 Q I'm going to roll it back just a little. So he goes into



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1 Q Your memory is that your husband said why don't you just
2 shoot me and put me out of my misery?

3 A I believe that's what he said.

4 Q Your Affidavit on Paragraph 5 said that you remember him
5 saying, "shoot me now and get it over with"?

6 A Yes.

7 Q Do you remember him saying that too?

8 A I don't remember exactly.

9 Q But it was something to the effect of shoot me now and
10 put me out of my misery?

11 A Yes.

12 Q What happens after he puts the gun on the table and says
13 shoot me now and put me out of my misery?

14 A I asked him what he was doing? What are you thinking?
15 I'm going to-- I'm going to call 911.

16 Q And did he respond to that?

17 A I don't believe he did. He-- It was shocking. I don't
18 remember exactly what occurred, but very shortly after
19 that he said, I'm leaving, and he left, I have to go for
20 a ride.

21 Q So shortly after he puts the gun on the table and says
22 why don't you just shoot me and put me out of my misery,
23 shortly after that he leaves?

24 A Yes.

1 Q During the incident did you call 911?

2 A No.

3 Q Can you tell me why you didn't call 911 during the
4 incident?

5 A I wanted Ed to know that by bringing out the gun he
6 brought it to a different level. And so for me, I needed
7 him to know that that was a different level, so I said,
8 "I'm going to call 911".

9 Q When you say "different level", what do you mean by that?
10 Do you mean it made it more serious to you?

11 A Yes.

12 Q Again, I don't want to put words in your mouth. Why did
13 it become more serious to you then?

14 A The gun made it more real.

15 Q Because you were afraid he would do something with the
16 gun to hurt himself?

17 A Yes.

18 Q Do you need some kleenex?

19 A I have some.

20 Q You didn't call 911 during the incident though; correct?

21 A Correct.

22 Q And I apologize if I've asked this: Do you know why you
23 didn't call 911 during the incident?

24 A I believe it was pretty much right after that that Ed

1 Q He says I need to go for a ride?

2 A Yes.

3 Q And you have no memory of him putting a magazine on the
4 table?

5 A No.

6 Q What do you do when he goes for a ride?

7 A Cry.

8 Q Besides---

9 A Thinking about what I should do. I've never been in this
10 situation. I got the gun, I put it back underneath the
11 bed, that's in my recollection when I saw the magazine so
12 I knew the gun wasn't loaded. As soon as I picked up the
13 gun and saw the magazine wasn't in it, I knew it wasn't
14 loaded. I got the magazine out from underneath the bed
15 and I hid it in a drawer. ✓

16 Q I'm going to do this one step at a time again. So after
17 he leaves, you say you put the gun underneath the bed?

18 A Back where it always is. ✓

19 Q When you say "underneath the bed", do you mean?

20 A In between.

21 Q What do you mean when you say "underneath the bed"?

22 A I mean between the mattress and the box spring. ✓

23 Q Perfect. And then you said that when you picked up the
24 gun to put it in between the mattress and the box spring,

1 MR. LYONS: Objection.

2 A I put the gun back where it normally is. I hid the
3 magazine because I was worried about Ed.

4 Q When you say that, what were you worried about?

5 A His-- I was worried about his state of mind. I was
6 worried about what he had just said. ✓

7 Q When you say you were worried about his state of mind,
8 with respect to what particularly?

9 MR. LYONS: Objection

10 A That he wasn't happy, that I didn't know how to make him
11 happy, the argument that we just had.

12 Q But why would you hide the magazine?

13 A It seemed a reasonable thing to do.

14 Q Why would it be reasonable? ✓

15 A Because Ed was depressed.

16 Q Were you afraid he was going to do something with the gun
17 and the magazine? ✓

18 A Yes.

19 Q It's okay. Again, I'm sorry that this leads to emotion.
20 I thought that was why, but again, we don't want to put
21 words in your mouth.

22 I believe you said during the incident you were going
23 to call 911?

24 A Yes.

1 Q During the incident did you call 911?

2 A No.

3 Q Can you tell me why you didn't call 911 during the
4 incident?

5 A I wanted Ed to know that by bringing out the gun he
6 brought it to a different level. And so for me, I needed
7 him to know that that was a different level, so I said,
8 "I'm going to call 911".

9 Q When you say "different level", what do you mean by that?
10 Do you mean it made it more serious to you?

11 A Yes.

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13 it become more serious to you then?

14 A The gun made it more real.

15 Q Because you were afraid he would do something with the
16 gun to hurt himself? ✓

17 A Yes.

18 Q Do you need some kleenex?

19 A I have some.

20 Q You didn't call 911 during the incident though; correct?

21 A Correct.

22 Q And I apologize if I've asked this: Do you know why you
23 didn't call 911 during the incident?

24 A I believe it was pretty much right after that that Ed

1 said, well, I'm leaving, I need to take a ride.

2 Q So Ed takes a ride. What do you do next?

3 A I get the gun and I put it in between the mattress and
4 the box spring. I take the magazine, I hide it. I'm
5 struggling with myself, do I stay, do I leave, what do I
6 do? I don't know how long Ed's going to be gone. Is
7 there something that I should have said, should have
8 done, should have -- all of those things were going
9 through my mind. And I thought, okay, what I'll do is
10 I'll pack a bag, and I threw a couple of pair of pajamas,
11 underwear, deodorant, toothpaste, and I figured I would
12 go to a hotel for a night, but first I was going to wait
13 until Ed got back. I was putting together a go-bag for
14 better description, to see what was going to happen when
15 Ed got back, whether he had cooled off enough, play it by
16 ear.

17 Q Did Ed eventually come back before you left the house?

18 A Yes.

19 Q And what happened when Ed came back?

20 A I was in the living room sitting on the couch. I heard
21 the truck come in. He didn't come up for about 15
22 minutes, 10, 15 minutes, he was still down the stairs.
23 Our garage is underneath the house. Finally, he did, and
24 he walked into the living room, and he looked at me

1 sitting on the couch and he said, this is all your fault,
2 you've changed since your mom died. And that's when I
3 decided to go to a hotel.

4 Q Did you tell him you were leaving?

5 A Yes.

6 Q What was his response, if any?

7 A None really. Fine, if that's what you think you should
8 do.

9 Q What hotel did you go to?

10 A The Econo Lodge on Reservoir Avenue across from Garden
11 City.

12 Q I'm sorry, I'm not familiar with Cranston. How far is
13 that from your house?

14 A A mile, mile and a half.

15 Q Around what time did you get to the Econo Lodge if you
16 remember?

17 A I don't know, 9, 10.

18 Q Once you get to the Econo Lodge, did you talk to anyone
19 or tell anyone about what had occurred between you and
20 Ed?

21 A No.

22 Q Did you speak to Ed?

23 A Yes.

24 Q What were the circumstances of how you spoke to Ed? Did

1 Ed call you? Did you call Ed?

2 A I don't remember. I don't remember who called who. I
3 remember telling him that I was fine.

4 Q Do you remember anything else about that phone call
5 besides telling him that you were fine?

6 A Not really. I'm sure -- I believe he said that I should
7 come home. And I believe that I said, no, I think it's
8 better that we have the time to cool -- chill, I probably
9 said chill. ✓

10 Q Do you remember his demeanor on the telephone call? Was
11 he upset?

12 A Sorry?

13 Q Did he seem upset to you?

14 A Yes.

15 Q Did he seem angry?

16 A A little.

17 Q And you said that he, although you don't have a specific
18 memory of it, that he probably said come home?

19 A Yes.

20 Q Do you have a memory of saying, no, I'm going to stay
21 here?

22 A I believe I did, yes.

23 Q Do you remember if you spoke about anything else?

24 A That I would call him in the next day.

1 the table and that he said just shoot me and get me out
2 of my misery. She said, well, you can call the police
3 and have a well call, and I knew what that was in my
4 mind. And so that's what I did, I called the Cranston
5 Police Department, not 911, it was not an emergency, and
6 requested an officer to do a well call.

7 Q I'm going to roll it back a little bit. So you were in
8 the Scramblers parking lot which is a restaurant
9 somewhere near the hotel and you call your therapist?

10 A Yes.

11 Q You tell your therapist about the incident you had with
12 your husband?

13 A Yes.

14 Q You also inform your therapist of the incident that your
15 husband put the gun on the table?

16 A Yes.

17 Q Did you tell the therapist what your husband said?

18 A Yes.

19 Q That he said, I don't want to put words in your mouth
20 again, I apologize, why don't you shoot me, just put me
21 out of my misery?

22 A Yes.

23 Q And she suggests that you call the police for a well
24 call?

1 A I probably told her that I was worried about going home,
2 that I was worried about what I was going to find.

3 Q When you say you were worried about going home and
4 worried about what you were going to find, what were you
5 worried you were going to find?

6 A I was afraid that I was going to find Ed hanging from the
7 rafters, that's what I was worried about.

8 Q You were afraid you were going to find him, when you say
9 "hanging from the rafters"?

10 A Hanging.

11 Q Were you afraid that he was going to use the gun?

12 A No.

13 Q Why weren't you afraid that he was going to use the gun?

14 A I don't know.

15 Q You were afraid he was going to commit suicide?

16 A I was incredibly worried.

17 Q You were incredibly worried that he was going to commit
18 suicide or harm himself in some way; is that correct? ✓

19 A Yes.

20 Q So after you have the discussion with Barbara, you call
21 the Cranston Police Department; is that correct?

22 A Yes.

23 Q Do you remember what you informed the Cranston Police
24 Department on that telephone call?

1 A I don't remember. I may have. I don't remember.

2 Q You don't remember if you told him about the gun, the
3 fight, the words?

4 A I don't remember. It kind of all blurred together. I
5 may have said we had an argument about a stupid coffee
6 mug.

7 Q Do you have a memory of telling him or any other officer
8 about the gun, about the words your husband said and what
9 you did with the gun? ✓

10 A Yes, I believe I did. To which officer, I do not
11 remember. ✓

12 Q But you told one of the officers there about the
13 argument? ✓

14 A Yes.

15 Q You told one of the officers there about the gun? ✓

16 A Yes.

17 Q You told one of the officers there that you hid the gun
18 and the magazine? ✓

19 A Yes, I put the gun back and I hid the magazine. ✓

20 Q And you told one of the officers about the words your
21 husband used?

22 A Yes, and the reason that I called was because I wanted an
23 escort back so they could check on Ed.

24 Q Because you were concerned about his safety?

1 A Yes.

2 Q Did you ever tell them you were concerned that your
3 husband may have committed suicide?

4 A I believe what I said was that I was worried about what I
5 would find when I got home. ✓

6 Q And did you expand or describe what you meant when you
7 said you were worried about what you would find?

8 A I don't remember. I don't believe that I did. I believe
9 what I had said was I was afraid of what I would find
10 when I got home. ✓

11 Q When I jumped in, I believe what you said was at some
12 point the officers said, okay, follow us to the house; is
13 that what happened?

14 A Yes.

15 Q Could you describe to me what happened once you left the
16 Scramblers --

17 MR. CUNNINGHAM: Strike that.

18 Q Do you remember which officer said, okay, follow us to
19 the house?

20 A No.

21 Q I believe what you said was you overheard the
22 conversation between one of the officers and your
23 husband?

24 A Yes.

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1 Q After that officer spoke to your husband, did he say
2 anything to you?

3 A He actually -- He said that your husband sounds fine, he
4 answered, he said that it was alright for us to come
5 over.

6 Q What happens next?

7 A That's when all of the other police cars came and they
8 had a conference in the parking lot. I was still in the
9 car. They came over to me, that's when I called my
10 therapist and said--

11 Q There's a lot of cops here?

12 MR. LYONS: Is that yes?

13 A Yes.


14 Q Do you remember how many police officers arrived at
15 Scramblers Restaurant?

16 A Not really. Four squad cars.

17 Q So four squad cars arrive, you speak to your therapist.
18 After you speak to your therapist what happens?

19 A One of the officers, and I do not know which one, came
20 over to the car and said, okay, we're going to go over to
21 your house, follow us, you'll stay in the car, and we'll
22 go talk to Ed.

23 Q So at this point one officer comes over to you and says
24 we're going to go to the house, you follow us but you



- 1 stay in the car, we're going to go talk to your husband?
- 2 A Yes.
- 3 Q So now do you follow the officer to your house?
- 4 A Yes.
- 5 Q And what do you do once you get to your house?
- 6 A I stayed in the car.
- 7 Q Do you remember how long you were in the car?
- 8 A Not really. It felt like a long time. It probably
- 9 wasn't. Maybe 15, 20 minutes.
- 10 Q While you're in the car, can you see your house?
- 11 A I can see our house.
- 12 Q While you're in your car can you see any of the police
- 13 officers?
- 14 A No, I'm on -- The driveway goes here, the front of the
- 15 house, the house, and I'm on this street so I see the
- 16 bedroom windows basically.
- 17 Q So you see a portion of your house?
- 18 A Yeah.
- 19 Q But you don't see any police officers from your viewpoint
- 20 while you're in the car?
- 21 A Not really, no.
- 22 Q Do you see your husband while you're in the car?
- 23 A No.
- 24 Q Did you see anybody close to your house while you're

1 sitting in the car?

2 A Like other people?

3 Q Other people, yes.

4 A I don't know, didn't pay attention.

5 Q Did you see any individuals or any individuals associated
6 with the Cranston Fire Department or rescue from your
7 viewpoint in the car at that time?

8 A No.

9 Q So you're in the car because you have been instructed by
10 one of the police officers, okay, we're going to go talk
11 to Ed, you stay over there; right?

12 A Yes.

13 Q You're in the car for say anywhere between 10 and 20
14 minutes to the best of your recollection?

15 A Yes.

16 Q You don't see any police officers, you don't see any
17 rescue personnel, you don't see your husband?

18 A No.

19 Q You just see a portion of your house?

20 A Yes, and I'm parked behind a police officer. There's a
21 police officer's car across the street. There is another
22 one at the cross-- a cross street that comes into
23 Cranston Street and there is another car in front of our
24 house.

1 Q Are there any police officers in the cars?

2 A I don't know. I don't know if I paid attention to that.

3 Q At some point in time you left your car; correct?

4 A A police officer came to the car and said it's okay, you
5 can come up. ✓

6 Q What happens next?

7 A We walk down the driveway to the back of the house and up
8 to the deck and there were police officers standing there
9 and Ed was standing there and I walked up the stairs and
10 I saw Ed. And he's like, why did you call the police, ✓
11 what's going on? And I didn't say anything.

12 Q You didn't respond?

13 A I was worried. No, I just said, I was worried, I was
14 worried about you. ✓

15 Q And you were worried about him because you were worried
16 he may have committed suicide or may have harmed himself?

17 A Yes.

18 Q What happens after that?

19 A They were talking with Ed. They were talking with
20 themselves. There was -- I'm sorry.

21 Q It's quite all right.

22 A There was -- I was there. I was separated but I was
23 there, I was on the deck.

24 Q You were on the deck?

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1 A Yeah, they were, you know, by the back door but still
2 part of the deck.

3 Q When you say "they were by the back door", who?

4 A Ed and the police officers.

5 Q How many police officers?

6 A Four or five.


7 Q So you're standing there, you have this conversation with
8 Ed. Do you overhear Ed speaking to any of the police
9 officers?

10 A Yes.

11 Q What conversation did you hear? What do you remember?

12 A Basically that, you know, Ed had told them that it was an
13 argument about a stupid coffee mug. And that, yes, he
14 did bring out a gun, he set it on the table and told me
15 to just go ahead and shoot him and put him out of his
16 misery.

17 And at that time I believe the officer said that he
18 needed to have an evaluation, a psych evaluation, we
19 could do a psych evaluation and we won't have to take the
20 firearm. I don't know at that point-- I don't know the
21 conversation that Ed had with the policemen, but I do
22 remember that he had the conversation that we had an
23 argument about the coffee mug, about the gun on the
24 table, that I spent the night at a hotel. I remember the



1 to get the guns.

2 Q Did you ever suggest to the police officers that you
3 wanted the guns out of the house?

4 A No.

5 Q Did you ever suggest to the police officers that you
6 didn't feel comfortable with the guns being in the house?

7 A No.

8 Q Do you know how the police removed the guns from the
9 house?

10 A The officer and I went into the house and he asked me to
11 show him where the guns were.

12 Q Did you show him where the guns were?

13 A Yes, we walked into the bedroom and I pointed to where we
14 kept the gun between the mattress and the box spring, and
15 he asked me if I would get it out, and I did. I gave the
16 gun to the officer. And I went to the dresser drawer
17 where I put the magazine, and I got that out and gave it
18 to him. He said, Ed said he had another gun, do you know
19 where that is? And I said, yes. And he said, will you
20 show me? I said, it's down in the garage. I brought him
21 down into the garage. The gun was hidden in a sock
22 hanging from a nail behind the pegboard and I could not
23 reach that, so I told him where it was and he got it and
24 got it out of the sock, and the magazine to that gun was

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA,
Plaintiff

v.

C.A. No.

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



AFFIDAVIT OF KIM CANIGLIA

Kim Caniglia, being duly sworn, says:

1. I am 58 years old. I have been married to Edward A. Caniglia ("Ed") since 1993. We live in Cranston, Rhode Island.
2. My father was a police officer for the City of Chicago.
3. I have been around handguns since I was a child. I have fired handguns at shooting ranges.
4. Ed has kept two handguns in our house for protection. One handgun was kept under our bed. The other handgun was kept in our garage.
5. On August 20, 2015, Ed and I had an argument in our house about a broken coffee cup. During the argument, he brought the unloaded handgun from under the bed and a bullet magazine to the kitchen, put them on a counter separately and said "shoot me now and get it over with." Ed then left the house.
6. While Ed was gone, I put the gun back under the bed and hid the magazine.
7. Ed came back to the house and we argued some more. I left and went to a hotel for the night. However, at no time did I feel I was in danger.
8. The next morning, while eating breakfast at a restaurant, I tried calling Ed's cell phone. He did not answer. I became concerned for his well-being.

9. I called the Cranston Police Department's regular phone number from the restaurant parking lot and asked that a police officer accompany me to the house to check on Ed.
10. A Cranston police officer came to the restaurant. I explained the situation to him in the parking lot. Then, three more squad cars of Cranston police officers arrived.
11. The first Cranston police officer called Ed's cell phone with the number I gave him. I could hear him laugh during the phone conversation. He then told me he had spoken to Ed and Ed was "fine."
12. The police officers then told me that they were going to go to the house to check on Ed. They told me to follow them but not to go into the house until they had gone in and spoken to Ed.
13. I parked my car near my house. The Cranston police officers blocked part of the street in front of our house with their cars. They went into the house.
14. A few minutes later, one of the police officers came out and told me I could come into the house. However, Ed was very upset with me for calling the police so I went back to my car.
15. I saw a Cranston rescue arrive, Ed got into the rescue and left.
16. One of the Cranston police officers then told me I could come into the house.
17. One of the Cranston police officers told me that Ed had gone to Kent Hospital for a psychiatric evaluation. They said Ed had given them permission to take his guns for safekeeping. They asked me to show them where the guns were.
18. I showed the officers where the guns were, including the magazine I had hidden, and his ammunition, all of which they took.
19. I asked when we could get the guns back. One of the officers said that after Ed was evaluated, I could go down to the police station and they would release the guns.
20. I then went to Kent Hospital to wait for Ed to be released. I spoke with a nurse/doctor about the circumstances while I was there. Ed was released that day and he drove us home.

21. On August 24, 2015, I called the Cranston Police Department and left a message that I wanted to come in to pick up the guns. I did not receive a return call. I then went to the Cranston Police Department headquarters to obtain the guns.
22. After I waited for four hours, a police officer gave me the number for the incident report and said I could get the incident report from a window at the Police Department.
23. I then went to that window and requested the report and the guns. I was told that I would have to return for the report and that the guns would not be released that day. I was told the Cranston Police Department had a procedure to return the guns and the matter "was with the Captain" who would decide on the request.
24. I subsequently received a phone message that I could pick up the incident report in a few days.
25. On September 1 or 2, 2015, I returned to the Cranston Police headquarters and obtained a copy of the incident report.


Kim Caniglia

Subscribed and sworn to before me this 17 day of December, 2015.

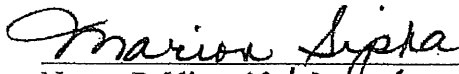

Notary Public MARION SIPKA
My commission expires:
11-10-2016

EXHIBIT C

Officer John Mastrati - May 31, 2018

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1 A. No.

2 Q. We're going to look at your incident report in a
3 second. What I want you to do now is just
4 describe for me what you remember about the
5 incident without having looked at the incident
6 report.

7 A. All right. I know it was an early morning
8 call, the calling party was his wife. I met her,
9 not at their residence, but off of Reservoir Ave.
10 She stated to me that last night she was in an
11 argument with her husband. During the argument he
12 pulled out a firearm, which was unloaded at the
13 time, I believe he had the firearm and the
14 magazine separate in both hands -- in each hand.
15 She stated that once that displayed, she was going
16 to call 911. That's when he put the firearm and
17 magazine down on the counter, she left -- he left,
18 went outside, she hid the gun and the magazine.
19 He came back in. I believe there was another
20 argument in which she stated she left, she stayed
21 the night elsewhere. She then called -- he called
22 her some time that night asking her to come back,
23 or they were trying to resolve the issue. She
24 said no. I think that was the end of the phone
25 call. She didn't hear from him after that. Then

Officer John Mastrati - May 31, 2018

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1 I believe that she called us to meet her to go
2 back to the house because she was unsure what she
3 was going to walk into.

4 I think at that time due to the nature of the
5 call with a firearm being involved, I talked to
6 him on the phone and had him come outside the
7 residence, asked him if he would come out to speak
8 to me. He said he would. Once I got to the scene
9 with other officers, I spoke with Edward, and
10 Edward pretty much told me the same story that Kim ✓
11 told me that happened.

12 From there I asked him if he would speak to
13 the rescue personnel. He said he would.

14 Rescue personnel came on scene, they spoke
15 together in private, and then rescue informed me
16 they would be transporting him to the hospital for
17 an evaluation, or to talk to someone.

18 After that, Kim -- I had Kim come back to the
19 house where she was waiting down the street, and
20 she pointed out where the firearms were, and the
21 firearm was exactly where she hid it, and then she
22 informed me about another firearm that was out in
23 the garage that she didn't want in the house.

24 Q. Did you seize the firearms?

25 A. Yes.

Officer John Mastrati - May 31, 2018

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1 Q. All right. Who made the decision to seize the
2 firearms?

3 A. Captain Henry.

4 Q. Captain Henry was your supervisor?

5 A. He was the day shift commander, yes.

6 Q. Did Captain Henry come to the scene, or did you
7 talk to him on the phone?

8 A. I believe it was on the phone.

9 Q. Did you talk to -- when Mr. Caniglia had his
10 firearm and the magazine out, it's your
11 recollection that he had them in separate -- in
12 two separate hands, the magazine was in one hand,
13 and the gun was in the other?

14 A. Yeah, I believe that's what Kim told me.

15 Q. Okay. And Kim is his wife?

16 A. Yes.

17 Q. Okay. I just want to make sure we're clear about
18 that.

19 A. Yes. Yes.

20 Q. Did Mr. Caniglia, to your knowledge, make any
21 threat to use the firearm on himself?

22 A. I don't recall exactly. I believe he
23 asked -- I think he asked Kim to use it on him. I
24 would have to look at my report for what she said.

25 Q. And we will certainly do that, so I just want to

Officer John Mastrati - May 31, 2018

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1 A. Beat 11, it would be the beat assignment, the
2 area.

3 Q. Okay. And then underneath location type, it says
4 at Scramblers, what does that mean?

5 A. Initially it was at Scrambler's, that's where
6 I met the reporting party, Kim, and then I
7 continued to 2300 Cranston Street, which was their
8 house.

9 Q. Underneath that it says mental health issues?

10 A. Yes.

11 Q. What does that mean?

12 A. That's what I label it as because what the
13 call was about. So something brief, so I put that
14 this has to do with mental health.

15 Q. Are there specific categories that you pick from?

16 A. Yes.

17 Q. Okay. So mental health issues is like a drop
18 down?

19 A. Yeah, it would be pertaining to mental
20 health.

21 Q. Then there's another category on the next page
22 which says persons, and there appears to be a
23 listing of information for Mrs. Caniglia; is that
24 right?

25 A. Yes.

Officer John Mastrati - May 31, 2018

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1 A. No.

2 Q. Okay. Would it be fair to say nobody said do you
3 have any other records, and if so, we'd like you
4 to keep them?

5 A. Yes.

6 Q. When you looked at your incident report a week
7 ago, did you reread the narrative?

8 A. I did.

9 Q. Is there anything in the narrative when you reread
10 it that seemed inaccurate or that you corrected in
11 your own mind -- let me withdraw the question,
12 that's a bad question. To the best of your
13 recollection, as you sit here today, does the
14 narrative accurately set forth the facts that
15 occurred, to the best of your knowledge, back on
16 August 21st, 2015?

17 A. Yes.

18 Q. If you go down to the bottom of the third
19 paragraph in your narrative, can you read to
20 yourself the last sentence.

21 (PAUSE)

22 A. Yes.

23 Q. That sentence says, for the record, quote, "She
24 stated that she was not scared for her own life,
25 but more scared walking in and not knowing if

Officer John Mastrati - May 31, 2018

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1 Edward had committed suicide." Is that a correct
2 reading of the sentence?

3 A. Yes.

4 Q. Does that refresh your recollection as to whether
5 Mrs. Caniglia had any concerns about her own
6 safety?

7 MR. CUNNINGHAM: Objection.

8 A. At that point when I first met her, what she
9 told me, no.

10 Q. Then you called -- you took the phone number for
11 Mr. Caniglia?

12 A. Yes.

13 Q. And you called him?

14 A. Yes.

15 Q. And did you use your own phone to call him?

16 A. I believe I did.

17 Q. Okay. And you asked if he was at home?

18 A. Yes.

19 Q. He said he was?

20 A. Yes.

21 Q. And you asked if you went by the house would he
22 come outside?

23 A. Yes.

24 Q. And he said that he would be home, and he was
25 willing to talk to you?

Officer John Mastrati - May 31, 2018

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✓

1 A. Yes.

2 Q. Okay. When you talked to him on the phone, do you
3 recall if anything else was said besides what is
4 set forth in that paragraph?

5 A. I don't believe about the incident. I think
6 I just wanted to get him to come outside to talk
7 to me when I came there, so that was my main
8 concern at that point.

9 Q. Okay. It says Officer Russell, Officer Smith,
10 Sergeant Barth and I responded to 2300 Cranston
11 Street.

12 A. Yes.

13 Q. What is Officer Russell's first name?

14 A. Wayne.

15 Q. Officer Smith?

16 A. Austin.

17 Q. And Officer Barth?

18 A. Brendan.

19 Q. And Mr. Edward came out -- Mr. Caniglia came
20 outside?

21 A. Yes. When I arrived, yes.

22 Q. Do you recall where you spoke to him?

23 A. I believe it was on his front porch. He had
24 a wraparound deck, I believe.

25 Q. Was he outside when you got there, or did he come

Officer John Mastrati - May 31, 2018

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1 outside after you arrived?

2 A. I believe he was outside when I got there, or
3 when I got there, I talked to him again to have
4 him come outside. Because, for my safety, I
5 wouldn't approach the house knowing there was a
6 firearm involved.

7 Q. Do you recall whether he was already outside when
8 you got there, or whether he came outside after
9 you got there?

10 A. I don't recall.

11 Q. Okay. Was it in the front yard or the backyard
12 that you talked to him?

13 A. I believe it was the front side, like where
14 his driveway was.

15 Q. It was on the deck?

16 A. On the deck, I believe, yes.

17 Q. And then you had a discussion with him about what
18 had happened?

19 A. Yes.

20 Q. Were any of the other officers present for that
21 discussion with Mr. Caniglia?

22 A. I don't know. Maybe standing next to me. I
23 couldn't tell you.

24 Q. Do you know if any of them were not standing next
25 to you?

Officer John Mastrati - May 31, 2018

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1 distinction I'm making?

2 A. I do.

3 Q. So, what I'm going to try and find out is whether
4 or not in fact this does remind you, and you say,
5 oh, it comes back to me, so to speak, or you
6 simply say I don't remember it now, but that's
7 what I put in the report?

8 A. Okay.

9 Q. So, do you actually remember Edward saying he was
10 not suicidal?

11 A. I do.

12 Q. Okay. What was he like when he said that?

13 MR. CUNNINGHAM: Objection.

14 A. Again, he was calm, stating why -- I believe
15 I said why do you want to commit suicide, and
16 pretty much he was telling me that, convinced me
17 he's not suicidal.

18 Q. Did he convince you he was not suicidal?

19 A. No.

20 Q. Why not?

21 A. Just from his actions of taking out a weapon.
22 For me, I can't determine if someone is not
23 suicidal. To me, I felt that he was a risk to
24 himself.

25 Q. And you said based on the fact that he took out

Officer John Mastrati - May 31, 2018

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1 the handgun and the magazine and put them on the
2 counter?

3 A. Not a normal person would take out a gun and
4 ask his wife to end his life, to me. To me, ✓
5 that's unusual behavior.

6 Q. Have you had any classes or courses which said
7 that that was suicidal behavior?

8 A. Yes. I mean, over my mental training,
9 they're indicators. Indicators would be not
10 wanting to live, taking out a weapon, asking
11 someone to end their life.

12 Q. Has someone ever said, or do you know if someone
13 has ever said I'm going to kill myself, but they
14 don't really mean they're going to kill
15 themselves?

16 MR. CUNNINGHAM: Objection.

17 A. They could. I mean, I don't know what that
18 person is thinking, so I act on what I see to
19 maybe prevent a situation from happening.

20 Q. Okay. And have you ever heard of somebody saying
21 Shoot me now --

22 MR. CUNNINGHAM: Objection.

23 Q. -- but they don't really mean shoot me now?

24 MR. CUNNINGHAM: Objection.

25 A. I heard it, but I don't know if they don't

Officer John Mastrati - May 31, 2018

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1 out to me by Kim.

2 Q. And you refer to the second firearm and you said,
3 which was also confiscated; do you see that?

4 A. Yes.

5 Q. What do you mean by confiscated?

6 A. Confiscated as in taken.

7 Q. If you go down to the last sentence in the
8 narrative, it actually says, "Nothing further to
9 report."

10 A. Yes.

11 Q. Why do you put that there?

12 A. Showing that I'm ending my narrative. So
13 nothing else to follow.

14 Q. Is that your standard practice that you put that
15 at the end?

16 A. Yes.

17 Q. The sentence above that, can you read that,
18 please?

19 A. "It should be noted that in further speaking
20 with Kim she stated that she was not in fear for
21 her life from Edward but was more worried about
22 Edward taking his own life."

23 Q. And was that accurate when you wrote that?

24 A. Yes.

25 Q. Okay. Does that refresh your recollection as to

Officer John Mastrati - May 31, 2018

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1 voluntary or involuntary?

2 A. I would imagine it would be voluntary because
3 rescue personnel can't hold someone against their
4 own will. They would request us to assist them if
5 that was the case, which they did not.

6 Q. That's your assumption?

7 A. No, that's what they would do. They won't
8 physically force somebody to go. If there was
9 ever an incident where someone needed to go and
10 they were uncooperative, then they would call us.

11 Q. Have you ever talked anybody into going to the
12 hospital?

13 MR. CUNNINGHAM: Objection.

14 A. No.

15 Q. Were any other police officers near the rescue
16 when the rescue personnel talked to Mr. Caniglia?

17 A. I wouldn't know. I believe I was talking to
18 Kim at that time away from the scene.

19 Q. Besides the fact that Mr. Caniglia had put the
20 firearm and the magazine on the counter in front
21 of his wife the previous evening, are you aware of
22 any other information which indicated to you that
23 he might be suicidal?

24 A. No.

25 Q. Was Mr. Caniglia in clear and imminent danger of

Officer John Mastrati - May 31, 2018

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1 causing personal harm to himself?

2 A. Yes.

3 Q. What do you base that on?

4 A. I base that off his statements and presenting
5 a firearm.

6 Q. Are you aware of whether any Rhode Island statute
7 in effect at the time addressed the situations
8 under which a person can be compelled to go to a
9 hospital or mental health facility?

10 A. No.

11 Q. Are you aware of whether or not, for example, a
12 court order may be required?

13 A. No.

14 Q. Has that been any part of your training at either
15 the Cranston Police Department or at the training
16 academy?

17 A. I don't think so.

18 Q. Okay. If you go down to the last section on that
19 page which has the letter V, and it says training?

20 A. Yes.

21 Q. It says, "Cranston Police Department will provide
22 entry-level personnel with training on this
23 subject and will provide refresher training at
24 least every three years." Do you see that?

25 A. Yes.

Officer John Mastrati - May 31, 2018

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1 A. He did.

2 Q. The next bullet point says, "Allow yourself and
3 the individual an escape route, if appropriate,
4 appropriate for safety and to induce anxiety." Do
5 you see that?

6 A. I do.

7 Q. When you spoke with Mr. Caniglia, did you feel the
8 need to allow him an escape route?

9 A. No.

10 Q. Did you feel the need to allow yourself an escape
11 route?

12 A. No. The only thing I was worried about is
13 the firearm that he had, that's why I called him
14 outside. I wouldn't talk to him in his house.

15 Q. He did not bring the firearm out with him?

16 A. He was instructed to come out without a
17 firearm on the phone.

18 Q. Did he indicate he would have brought the firearm
19 out if you hadn't said so?

20 A. No.

21 Q. Did he say he even knew where the firearm was?

22 A. No.

23 Q. Did he say anything about the firearm when you
24 talked to him on the phone?

25 A. I can't remember if it was on the phone, he

Officer John Mastrati - May 31, 2018

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1 admitted to having the firearm and bringing the
2 firearm out. I'm just not sure if that was on the
3 phone or when I spoke to him in person, or both.

4 Q. When you said he admitted to bringing the
5 firearm --

6 A. Presenting the firearm during the argument.

7 Q. The previous night?

8 A. Yes.

9 Q. And then the last bullet point says, "Be prepared
10 to repeat questions and commands without showing
11 frustration." Do you see that?

12 A. I do.

13 Q. Did you have to repeat any questions or commands
14 to Mr. Caniglia?

15 A. No.

16 Q. Do you have any knowledge of any presentations on
17 mental illness that may have been given to the
18 Cranston police in 2008?

19 A. No.

20 Q. I believe I asked you earlier if you had any
21 knowledge of any state statutes dealing with
22 mental health?

23 A. You did.

24 Q. Your answer was no; is that correct?

25 A. Yes.

EXHIBIT D



**Cranston Police Department
Incident Report**

Page: 1
01/19/2016

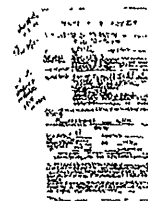
Incident #: 15-43394-OF
Call #: 15-43394

Date/Time Reported: 08/21/2015 0926
Report Date/Time: 08/21/2015 1120
Status: No Crime Involved

Reporting Officer: Officer JOHN MASTRATTI
Approving Officer: ACTING SERGEANT RYAN SHORE

Signature: _____

Signature: _____



| INVOLVED | SEX | RACE | AGE | SSN | PHONE |
|---|-----|------|-----|-----------|------------|
| CANIGLIA, EDWARD 2300 CRANSTON ST CRANSTON RI 02920 | M | W | 65 | NOT AVAIL | [REDACTED] |

litary Active Duty: N
HEIGHT: 0 WEIGHT: HAIR: NOT AVAIL. EYES: NOT AVAIL.
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: [REDACTED] PLACE OF BIRTH: ,
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC
LOCAL ID: [REDACTED]

[CONTACT INFORMATION]

Home Phone (Primary) [REDACTED]
Home Phone [REDACTED]

EVENTS (S)

LOCATION TYPE: Residence/Home/Apt./Condo Zone: 44, BEAT 11
NOW AT SCRAMBLERS
2300 CRANSTON ST
CRANSTON RI 02920

MENTAL HEALTH ISSUES



Winquist-Ints-000001

**Cranston Police Department
Incident Report**

Page: 2
01/19/2016

Incident #: 15-43394-OF
Call #: 15-43394

| # | PERSON(S) | PERSON TYPE | SEX | RACE | AGE | SSN | PHONE |
|---|-----------|-------------|-----|------|-----|-----|-------|
|---|-----------|-------------|-----|------|-----|-----|-------|

| | | | | | | | |
|---|--|-----------------|---|---|----|-----------|------------|
| 1 | CANIGLIA, KIM 2300 CRANSTON ST CRANSTON RI 02920 DOB: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED] CallBack Number (Primary) [REDACTED] | REPORTING PARTY | F | W | 58 | NOT AVAIL | [REDACTED] |
|---|--|-----------------|---|---|----|-----------|------------|

| # | OTHER PROPERTIES | PROPERTY # | STATUS |
|---|------------------|------------|--------|
|---|------------------|------------|--------|

| | | | |
|---|--|-----------------------------|-----------------------|
| 1 | COLT MK IV/SERIES 80 WITH MAGAZINE QUANTITY: 1 SERIAL #: MU46638 DATE: 08/21/2015 Type: PISTOL, SEMI-AUTOMATIC Make: CLT OWNER: CANIGLIA, EDWARD | 15-3043-PR VALUE: \$1.00 | Held for Safe Keeping |
| 2 | SMITH & WESSON WITH MAGAZINE QUANTITY: 1 SERIAL #: TEA8661 DATE: 08/21/2015 Type: PISTOL, SEMI-AUTOMATIC Make: SW OWNER: CANIGLIA, EDWARD | 15-3044-PR VALUE: \$1.00 | Held for Safe Keeping |
| 3 | 380. AMMUNITION QUANTITY: 5 SERIAL #: NOT AVAIL DATE: 08/21/2015 OWNER: CANIGLIA, EDWARD | 15-3045-PR VALUE: \$1.00 | Held for Safe Keeping |
| 4 | 9MM AMMUNITION QUANTITY: 8 SERIAL #: NOT AVAIL DATE: 08/21/2015 OWNER: CANIGLIA, EDWARD | 15-3046-PR VALUE: \$1.00 | Held for Safe Keeping |
| 5 | BLACK MAGAZINE HOLDER QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 08/21/2015 OWNER: CANIGLIA, EDWARD | 15-3047-PR VALUE: \$1.00 | Held for Safe Keeping |

Winqvist-Ints-000002

Cranston Police Department
NARRATIVE FOR OFFICER JOHN MASTRATI

Page: 1
01/19/2016

Ref: 15-43394-OF

| | |
|-----------------------------|------------------|
| Entered: 08/24/2015 @ 1831 | Entry ID: 926 |
| Modified: 08/26/2015 @ 1237 | Modified ID: 472 |
| Approved: 08/27/2015 @ 0713 | Approval ID: 463 |

OFFICER'S FIRST REPORT

15-43394-OF

Officer JOHN MASTRATI #472

Date/Time Report: 8/21/15 @ 1249 HRS, 08/24/2015 1831 JC

On 8/21/15 at approximately 0926 hours, I was dispatched to Scrambler's on Reservoir Avenue for the reporting party stating that she was in a verbal argument with her husband last night and stated that during the fight, he got out an unloaded firearm and told her to use it on him. She also stated that she had left the house that night and stayed at a friend's and was concerned about her husband because she has not heard from him.

Upon my arrival to Scrambler's, I identified the caller as Kim Caniglia, DOB [REDACTED]. Kim stated to me that last night she got in to an argument with her husband who she identified as Edward Caniglia, DOB [REDACTED] over a coffee mug. She stated that they are currently going through a divorce and they usually end up in a verbal argument over certain things.

Kim stated that when they argued over the coffee mug, he went to the bedroom and grabbed the firearm which was unloaded and had the magazine in the other hand and stated to Kim to end his life. At that point, Kim stated that she told Edward that she was going to call 911 and that's when Edward placed the firearm and the magazine on the counter and went outside in the back yard. At that time Kim stated that she took the firearm and the magazine and hit it in the bedroom. She stated that when Edward came in he stated that he was going to leave to think about things. Kim stated that Edward then came back an hour later and asked her why they can't work things out and what was going on with their marriage. Kim stated at this point when Edward came home that she had left and stayed at the Econo Lodge on New London to get away from Edward for the night. Kim stated that Edward had called her at approximately 9:30 that night and asked her to come home and that he misses her. Kim stated that she told him that she wasn't and he sounded upset on the phone. Kim stated to me that she had not heard from him since that last phone call at 9:30 pm and that she was concerned about going to the house and wasn't sure what she was going to walk in to. She stated that she was not scared for her own life but more scared of walking in and not knowing if Edward had committed suicide.

I took the number for Edward. While speaking to him on the phone, I asked Edward if he was at home; he stated that he was and I asked him if I could go by the house if he would come outside. Edward said that he would be home and that he was willing to talk to me.

Officer Russell, Officer Smith and Sgt. Barth and I responded to 2300 Cranston Street where I was able to make contact with Edward. He came outside and while speaking to him, he appeared normal. I asked Edward what happened the night before and he stated to me that they got in to an argument over a coffee mug. He stated that he is going through a divorce and is just sick of the arguments and at this time he took out his handgun and the magazine in the other hand which was unloaded at the time and he asked Kim to just end his life because he can't take it any more. Edward then stated that she stated that she was going to call 911 and that's when he placed the firearm down on the counter and he left for one hour. Edward stated that when he came back, he got in to another small argument with Kim and that's when she left and stayed out for the night. He also stated that he did call her at 9:30 and asked her to come back home and she did not. Edward stated that he is not suicidal and that he uses prayer to help him. He stated that he had a friend who committed suicide and he would never do that to his family. Due to the statements that were made that corroborated what Kim had said, and Edward admitting for

Inquiry 000009

Cranston Police Department
NARRATIVE FOR OFFICER JOHN MASTRATTI

Page: 2
01/19/2016

Ref: 15-43394-OF

Entered: 08/24/2015 @ 1831 Entry ID: 926
Modified: 08/26/2015 @ 1237 Modified ID: 472
Approved: 08/27/2015 @ 0713 Approval ID: 463

her to take his life with the handgun, I asked Edward to get checked out by rescue and to talk to someone at the hospital which he willing agreed to do.

Rescue responded on scene shortly after and transported Edward to Kent County Hospital.

Kim arrived on scene shortly after and per Captain Henry, he requested that we seize the two firearms that were in the house. Kim let us in the house and pointed out where the firearms were; which one was under the bed and the magazine was located in her bureau under her clothes where she had hid it. The second firearm was located in the garage behind the work bench which was also confiscated.

brought both firearms back to CPD headquarters until further investigation of this incident. The two firearms that were confiscated was a Colt model MK4 Series 80, 380; the second was a Smith & Wesson 9ml. I logged them in to evidence and received property #15-3043-PR for the colt MK4 with magazine, serial #MU46638; 15-3044-PR for the Smith & Wesson with magazine, Serial #TEA8661; 15-3045 for 380 ammunition quantity of 8 rounds; 15-3046 for 9ml ammunition 8 rounds and 15-3047 for a black magazine holder (1). All property was placed in secure locker #17.

also completed a Seizure Report for the firearms and ammunition along with the black magazine holder; 2 firearm recovery forms were also completed. It should be noted that in further speaking with Kim, she stated that he was not in fear for her life from Edward but was more worried about Edward taking his own life.

Nothing further to report.

Winquist-Ints-000004

EXHIBIT E

Defendants have filed Exhibit E, a compact disc containing a digital recording of Mrs. Caniglia's August 21, 2015, telephone call to the Cranston Police, under seal.

EXHIBIT F

Sergeant Brandon Barth - July 19, 2018

29

1 A. I don't know.

2 Q. Was he a felon or a fugitive from justice?

3 A. I would say no because that probably would
4 have came up at the time.

5 Q. Okay. Was Mr. Caniglia an unnaturalized,
6 foreign-born citizen?

7 A. I don't know.

8 Q. Are you aware of any legal reason why Mr.
9 Caniglia cannot possess firearms?

10 A. No.

11 Q. Why don't we start with why don't you just
12 generally tell me what you remember, as you sit
13 here today, about what happened back in August of
14 2015.

15 A. I was -- it was a day shift call, so I was
16 working day shift as a patrol supervisor. I
17 don't recall if I was called to the scene or if I
18 just showed up there, but there was officers
19 meeting with a subject at the Scramblers
20 Restaurant which is on Reservoir Avenue.

21 Once I arrived on scene there, they
22 advised me that they were speaking with Mrs. --
23 is it Caniglia? Is that the correct
24 pronunciation?

25 Q. Yes.

Sergeant Brandon Barth - July 19, 2018

30

1 A. With Mrs. Caniglia with regards to an incident
2 that she had had with her husband the night
3 prior. They advised me that there was a
4 verbal -- she advised them that her and her
5 husband had a verbal altercation at their
6 residence on Cranston Street in Cranston. And
7 during the course of this verbal argument, she
8 stated her husband produced a firearm and either
9 slid it across the table at her and said
10 something to the effect of, "why don't you use
11 this on me" or I don't remember the exact
12 verbiage that she used.

13 Mrs. Caniglia stated that she then left
14 the residence and stayed at a hotel for the
15 night, and she was concerned and scared to go
16 back to her house because she wasn't sure what
17 state her husband was in so she contacted us.

18 Q. Okay.

19 A. Once I was advised of the situation, we made
20 the decision that we were going to respond to the
21 residence on Cranston Street. We advised Mrs.
22 Caniglia to follow us there but not respond to
23 the house, to stay in her vehicle slightly down
24 the street where we could speak to her if we
25 needed to, but, again, we weren't sure of the

Sergeant Brandon Barth - July 19, 2018

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1 state that Mr. Caniglia was in. She had concerns
2 that he might have done harm to himself and
3 wasn't sure what type of situation we'd be
4 walking into.

5 Q. Okay. All right. Let me stop you there. Did
6 you talk to Mrs. Caniglia directly at Scramblers?

7 A. I believe I did. I don't remember the exact
8 conversations or if I was told by the officers on
9 scene, but I remember being at Scramblers with
10 them and her, but the exact conversation that I
11 may have had with her I don't recall.

12 Q. Okay. Do you recall who the other officers were?

13 A. I believe it was Officer Mastrati and Officer
14 Smith, I believe.

15 Q. Okay. And do you know whether one of them or
16 both of them had spoken with Mrs. Caniglia at
17 Scramblers?

18 A. At least one of them had. I believe it was
19 Officer Smith that had given me the information
20 that he had spoke to her and I may have asked her
21 some other qualifying questions just to kind of
22 corroborate, but, again, I don't recall exactly
23 if it was Officer Mastrati or Mr. Smith (sic).

24 Q. Okay. Do you know if there were any other police
25 officers who came to Scramblers?

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1 it was the front door or the main door that the
2 Caniglias used was off of that porch on the left
3 side of the house if I'm looking directly at it,
4 I believe.

5 Q. Okay. So what happened generally when you went
6 to the house?


7 A. We responded to the house and at some point we
8 made contact with Mr. Caniglia. I don't recall
9 if we ever entered the house at that time. I do
10 remember officers speaking with Mr. Caniglia on
11 the porch outside of the house.

12 Q. Okay. Do you recall where Mr. Caniglia was when
13 you arrived at the house?

14 A. He was inside the house, I believe, but I
15 don't know where inside the house he was. Again,
16 I don't -- I can't remember if we actually
17 entered the house or if he came to the door or if
18 he was outside, but the majority of the
19 interaction with Mr. Caniglia was outside on the
20 porch.

21 Q. On the porch. Okay. And which officers were on
22 the porch with Mr. Caniglia?

23 A. From what I remember, Officer Mastrati and
24 Officer Smith and Officer Russell was there as
25 well and myself.



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1 yourself, said to Mr. Caniglia?

2 A. Specific, no, but we asked him his version of
3 events that happened the night before, you know.
4 Obviously, we'd go there and advise him of why we
5 were there, why we're speaking to him.

6 Q. Okay.

7 A. Again, specific sentences I said I don't
8 recall, but --

9 Q. Okay. Do you recall what Mr. Caniglia said?

10 A. From what I remember, he corroborated what Mr.
11 Caniglia -- or Mrs. Caniglia had stated about the
12 verbal arguments and the firearm in question.

13 Q. Okay. Did anyone ask Mr. Caniglia if he was
14 suicidal?

15 A. I don't know if that exact verbiage was used,
16 suicidal, but through the course of a call like
17 that we would ask him, you know, "do you want to
18 do harm to yourself, what is your" -- again, I'm
19 pretty sure none of those officers or myself are
20 medical professionals, so just trying to, maybe,
21 get a piece that somebody says that they're not
22 in the right frame of mind and they may want to
23 do harm to themselves or thought about it, so
24 just kind of looking for that red flag.

25 Q. Did Mr. Caniglia indicate that he wanted to do

Sergeant Brandon Barth - July 19, 2018

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1 harm to himself?

2 A. I believe, yes, that he corroborated what Mrs.
3 Caniglia had said, that he made that statement to
4 her. ✓

5 Q. Okay. You interpreted the statement of him
6 pushing the gun towards Mrs. Caniglia and saying
7 "why don't you shoot me" as indicating he wanted ✓
8 to do harm to himself?

9 A. Yes. Not -- again, it's not harm to himself,
10 but here's a person who obviously is not in his
11 right frame of mind. And a reasonable person
12 would not, in the course of an argument in my
13 experience, slide a firearm over to his wife and
14 say "why don't you go ahead and, you know, use it
15 on me" or something to that effect. So in my
16 experience, this is a person that needs medical
17 attention and may need to seek it out or I need
18 to get him to medical attention.

19 Q. Do you know if the firearm was loaded?

20 A. I don't know.

21 Q. Did Mr. Caniglia ever indicate that he was
22 considering using a firearm on himself?

23 A. I don't recall.

24 Q. Did Mr. Caniglia ever say he was considering
25 using a firearm on someone else?

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1 A. I don't recall what he said. I know generally
2 there was a lot of pushback from him that he did
3 not want to go on those terms.

4 Q. Okay. Was there any discussion with him while he
5 was still at the house about taking or seizing
6 his firearms?

7 A. I don't recall any firearm discussion at the
8 scene while Mr. Caniglia was there.

9 Q. All right. At some point in time, a decision was
10 made to seize his firearms?

11 A. There was a point in time after we were able
12 to talk Mr. Caniglia onto the rescue, the
13 ambulance, and he was going to go to the
14 hospital, the decision was made that we would
15 take possession of the firearms in the house.

16 Q. Okay. Who made the decision to take possession
17 of the firearms?

18 A. Ultimately, it was my decision. But at some
19 point, I believe I called Captain Henry either on
20 the phone or the radio. I think he may have
21 responded to the scene and said -- it was more
22 just to run it up the chain of command that this
23 is what I'm going to do. I just want to let you
24 know as the division commander that that's what
25 we're going to do.

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1 MR. CUNNINGHAM: Objection.

2 A. I don't recall the exact conversation back and
3 forth. I just remember that there was a lot of
4 trepidation with him. And there -- like I
5 referenced earlier, when I was training there are
6 instances where if a person is refusing to go to
7 the hospital that, if there's no other
8 alternative, they're physically detained and
9 taken to the hospital that way.

10 As the police department would much
11 rather not deal with it that way, so ultimately
12 spoke with him and he decided to go in the
13 rescue. But the exact conversation back and
14 forth, what was said to ultimately that he
15 consented to go into the rescue, I don't recall.

16 Q. (By Mr. Lyons) This response refers to Mr.
17 Caniglia making suicidal statements. Do you see
18 that?

19 A. Yes.

20 Q. All right. And you've previously identified the
21 comment he made the night before to his wife
22 where he put the gun down and said, essentially,
23 in words or substance, "why don't you shoot me
24 now." Is that what you considered to be the
25 suicidal statement?

Sergeant Brandon Barth - July 19, 2018

85

1 A. Yes.

2 Q. Were there any other statements Mr. Caniglia made
3 that you considered suicidal?

4 A. Not that I recall.

5 Q. And why did you consider that statement to be
6 suicidal?

7 A. Try to put myself or any other reasonable
8 person into a certain incident that I'm at, a
9 call that I'm on in this type of case, I don't
10 believe any reasonable person in their right
11 frame of mind would make a statement likes that.

12 Everybody argues with their spouse. It
13 happens. But to rise it to the level of
14 producing a firearm. And even if someone's
15 trying for, you know, an effect in that case,
16 that's not a reasonable thing to do. So in my
17 mind, that said that he wasn't in his right frame
18 of mind and it's possible that he wanted to do
19 harm to himself, that he needed to get to a
20 medical professional and I needed to get him
21 there.

22 Q. Have you had any training or read any materials
23 that indicated to you that that statement was
24 suicidal?

25 A. Specifically, I can't recall. I would more

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1 A. Oh, I apologize.

2 Q. -- the second full sentence says, "Based on my
3 recollection, when I spoke with Kim Caniglia at
4 Scramblers, she informed me that she was
5 concerned about the safety of her husband and
6 less concerned about her own safety." Do you see
7 that?

8 A. Yes.

9 Q. Do you remember Mrs. Caniglia saying that?

10 A. Yes.

11 Q. Okay. Do you remember Mrs. Caniglia ever saying
12 that she was concerned about her own safety?

13 A. Not verbally, no.

14 Q. Okay. Can you go to Interrogatory Number 23,
15 which is on Page 10, and read the interrogatory
16 and your response.

17 (Witness complied.)

18 A. Okay.

19 Q. (By Mr. Lyons) About two-thirds of the way
20 through your response, there's a sentence which
21 says, quote, "based on my recollection, the
22 plaintiff did not want the officers to take his
23 guns," end quote. Do you see that?

24 A. Yes.

25 Q. Do you recall Mr. Caniglia objecting to the

EXHIBIT G

Edward A. Caniglia - June 29, 2018

24

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.

Edward A. Caniglia - June 29, 2018

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1 PT -- patient -- at a gun and told his wife to shoot
2 him, police recovered gun, PT -- meaning patient --
3 stated he was not looking to hurt himself. This
4 happened last night. Wife called today. Wife
5 leaving him, stated for her to shoot him again. PT
6 -- indicating patient -- calm, did not deny
7 altercation, psych
8 eval. I'm going to focus on the last sentence that
9 I've read. It says: Patient calm, did not deny
10 altercation, psych eval.

11 Today as I read this out loud, does it
12 refresh your recollection as to the statement that
13 I just read, did not deny altercation? Do you recall
14 having any kind of conversation with the rescue?
15 A. I had no conversation with the fire rescue
16 people, other than he spoke to one of the officers.
17 He got into the back of the wagon. I was sitting on
18 the rescue cart. He said, "How are you feeling?"
19 I said, "Fine." He said, "Okay. We're going to go
20 to Kent County Hospital." I said, "Fine." And that
21 was it.

22 Q. Okay.

23 A. He said -- he may have said, "Do you have any
24 obvious health problems?" And I said, "Just high
25 blood pressure," or something like that.

Edward A. Caniglia - June 29, 2018

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1 arguing recently. She has been in tx -- I'll
2 represent to you that that means treatment -- for
3 psych issues related to loss of her mother about a
4 year ago, and last night they got into an argument
5 about a minor issue. He became increasingly
6 frustrated about this and eventually went and got his
7 unloaded gun and made a comment to his wife, and that
8 she should just shoot him and put him out of his
9 misery. ✓

10 Do you believe that information to be
11 accurate about what you communicated to the employee
12 at Kent Hospital that is referring to me?

13 A. Yes. ✓

14 Q. Okay. And I know that you had earlier mentioned the
15 part that says and had some tequila then -- and then
16 went to bed, you don't believe that that's accurate?

17 A. No.

18 Q. Okay. Now, I'd like to direct your attention to --
19 it's Bates stamped 29. It is the second to last page
20 of that package. And I'm not going to have to make
21 you read the whole page, but I'd like to direct your
22 attention to the second paragraph, the third to last
23 sentence starting with: States that he made an
24 appointment with his PCP for a full workup. And then
25 I'll just read it out loud to you. And just follow

Edward A. Caniglia - June 29, 2018

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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

Edward A. Caniglia - June 29, 2018

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1 future?

2 A. No.

3 Q. All right. Now, I'm going to go back to some other
4 documents that I have. I know I had mentioned,
5 already referred to Kim's Affidavit, Kim Caniglia,
6 your wife's Affidavit. I would like to direct your
7 attention back to that. That is Defendants'
8 Exhibit A. And I want to point to Number 6. And I'm
9 going to read it out loud. "While Ed was gone, I put
10 the gun back under the bed and hid the magazine."
11 Do you have any personal knowledge with respect to
12 this statement?

13 A. Yes.

14 Q. And what is your personal knowledge?

15 A. When I left, I left the gun on the dining room
16 table. She put the gun back into its usual place,
17 and she put the magazine where she hides everything.

18 Q. So she put the gun under the bed, and you said the
19 magazine? And when --

20 A. Yeah. She hid it where she hides everything.

21 Q. So is it fair to say there's a gun and magazine
22 that --

23 A. Under the bed originally.

24 Q. Originally. And in looking back to Number 5, it
25 says, ". .he brought the unloaded handgun from under

Edward A. Caniglia - June 29, 2018

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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

Edward A. Caniglia - June 29, 2018

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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

Edward A. Caniglia - June 29, 2018

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1 room table.

2 Q. Oh, dining room table?

3 A. Which is one step from the bedroom.

4 Q. Okay.

5 A. The magazine was never with the pistol.

6 Q. Is it fair to the say, though, that you had to go
7 to --

8 A. I never asked her --

9 Q. Oh, sorry. I ask that I have the opportunity, if
10 your --

11 MR. LYONS: He didn't finish his answer.

12 MS. MURPHY: Yes, exactly. I just wanted
13 to let you know.

14 MR. LYONS: Okay.

15 Q. If you want to continue your answer, just let me
16 know.

17 A. I never asked her to end my life as it says.
18 I said, "Just shoot me." The quote was, quote, "Just
19 shoot me," end quote.

20 Q. All right. Now I want to go to page 2 of the
21 Incident Report. And it indicates, you know,
22 a category that says Other Properties.

23 MR. LYONS: She means this one, this
24 page.

25 MS. MURPHY: Okay. I apologize. Didn't

EXHIBIT H

Cpt. Russell C. Henry, Jr. - June 13, 2018

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1 dangerous?

2 A. Well, I think you're applying the standard of
3 imminently dangerous from the policy to a
4 situation. So I think an officer -- so in this
5 instance, my thought process was how intrusive are
6 the steps that we're taking versus the potential
7 consequences if we don't. If we don't take
8 action -- this man already put a gun on the table,
9 asked his wife to use it on him to kill him.
10 Based on -- he was upset, was emotionally
11 disturbed over their marriage being ending. She
12 left for the night. She was afraid that he had
13 killed himself, apparently, because she hadn't
14 heard from him, that's why she called us. That's
15 why the officers went to the house, to check on
16 his well-being.

17 So my thought process was, okay, he has
18 firearms, if we leave him there with the firearms,
19 potentially he's in danger, she could be in
20 danger, the neighbors could be in danger, any
21 person that comes in contact with Mr. Caniglia
22 could be in danger. It could be another police
23 officer.

24 Q. Do you know whether Mr. Caniglia had ever
25 threatened to use the firearm on himself?

Cpt. Russell C. Henry, Jr. - June 13, 2018

119

1 A. Yes.

2 Q. And it says, "He requested," does that mean that
3 you requested that the officers on the scene seize
4 the firearms?

5 A. Yes.

6 Q. Do you recall separate from what is set forth in
7 this incident report, the reasons why you
8 requested seizure of the firearms?

9 A. No.

10 Q. Do you recall whether -- let me back up. Do you
11 know whether the firearms belonged to
12 Mr. Caniglia -- let me withdraw the question. Is
13 it your understanding the firearms belonged to
14 Mr. Caniglia?

15 A. I believe so.

16 Q. Okay. And did you know that in 2015 when you made
17 the request to seize them?

18 A. That would make sense.

19 Q. Do you know if Mr. Caniglia gave permission for
20 the seizure of the firearms?

21 A. I don't know.

22 Q. All right. Do you know if Mrs. Caniglia, Kim,
23 gave permission for seizure of the firearms?

24 A. I believe that was part of the information
25 relayed to me.

Cpt. Russell C. Henry, Jr. - June 13, 2018

132

1 Q. Okay. And then above it, there is an entry which
2 says, "Captain's signature authorizing the release
3 of firearms," with a date of 12-22-15; do you see
4 that?

5 A. Yes.

6 Q. And the handwritten note says per Captain
7 Winquist, something for release clearance?

8 A. "Okay to release. Clearance paperwork from
9 Kent Hospital received."

10 Q. Do you recognize the signature there?

11 A. Looks like Captain Guilbeault.

12 MR. LYONS: I'm going to show you an
13 incident report from a different incident around
14 the same time, we'll mark this as Exhibit 26.

15 EXHIBIT 26 (PLAINTIFF'S EXHIBIT 26
16 MARKED FOR IDENTIFICATION)

17 Q. This is an incident report dated August 27, 2015
18 which is approximately six days after this
19 incident. And just so you know, part of the
20 reason this came to my attention was I believe
21 it's your son who is involved, which I did not
22 realize at the time that it was a different
23 Officer Henry. There's a reference to an Officer
24 Henry. At first I thought it was you, but it may
25 be your son. But in any event, can you take a

EXHIBIT I

Colonel Michael Winkuist - June 20, 2018

44

1 some of the signs we look for, and in
2 Mr. Caniglia's case, he allegedly made a statement
3 he wanted to harm himself. So that was clear to
4 us in that situation he was potentially in
5 imminent danger.

6 Q. What statement did he make he wanted to harm
7 himself?

8 A. Well, I'm basing it on the police report. I
9 wasn't there, I'm going to tell you that. Officer
10 Mastrati stated that Mr. Caniglia told him that he
11 made a statement that he was potentially thinking
12 about harming himself with a firearm. He verified
13 the account that was given by Mrs. Caniglia.

14 Q. Okay. Is your knowledge of the incident involving
15 Mr. Caniglia based on the incident report?

16 A. Solely based on the incident report, yes.

17 Q. Have you separately discussed it with Officer
18 Mastrati?

19 A. I have not.

20 Q. Have you discussed it with any of the officers who
21 responded to the scene?

22 A. I have not.

23 Q. We'll talk about the incident report, not right
24 now, but we will.

25 A. Okay.

EXHIBIT J

Major Robert Quirk - July 13, 2018

22

1 2015?

2 A. No. I believe that's the first time I've
3 actually seen the name.

4 Q. They had some prior contact on some unrelated
5 matters before that with the Cranston Police
6 Department. Do you recall if you had any
7 involvement in those other matters?

8 A. Not that I'm aware of.

9 Q. My understanding is -- back up. This case
10 involves the seizure of Mr. Caniglia's firearms by
11 the Cranston Police Department, him being sent for
12 a psychiatric evaluation at Kent Hospital and then
13 a subsequent issue over the return of his firearms
14 by the Cranston Police Department. My
15 understanding is you were not involved in the
16 seizure of the firearms or sending him for a
17 psychiatric evaluation?

18 A. That's correct.

19 Q. Okay. So your involvement, my understanding has
20 to do with the return of the firearms to
21 Mr. Caniglia?

22 A. That's correct.

23 Q. We're going to talk about that first, and then we
24 may go back and talk about general policies or
25 procedures with respect to seizures and so forth