

JUSTICE FOR WOODY REPORT

**ROBERT WOODWARD SHOOTING
DECEMBER 2, 2001
ALL SOULS CHURCH
BRATTLEBORO, VT**

September 24, 2002

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“There was no threatening done. I mean, he did not threaten anybody except himself...”
Eyewitness Norman Hunt

“...He certainly wasn't threatening the policemen in any way and then the policeman shot...” **“There were about 6 shots, some after Woodward fell.”**
Eyewitness Tommy Thomas

“He apologized for scaring people, and that he loved us all.”
Eyewitness Jane Worley

Introduction

On December 2nd, 2001, Robert “Woody” Woodward entered the All Souls Unitarian Church in West Brattleboro, Vermont, frightened and weeping, appealing to those present for sanctuary. While receiving assistance from congregants, Woodward was approached and then shot seven times - all within one minute - by two Brattleboro police officers. Although Woodward had threatened to harm himself with a pocket knife, the 18 eyewitnesses to the shooting maintain that they did not see Woodward threaten anyone other than himself. A subsequent investigation and report by the Vermont Attorney General has cleared the officers of any wrongdoing.

The citizen's group Justice for Woody was formed by friends and family of Woodward within days of the shooting in response to actions by Vermont officials indicating a biased investigation. The goals of the group have always been to learn of the circumstances of the shooting, advocate for a full and fair investigation, insist on accountability for those involved, and call for reforms in the Vermont criminal justice system aimed at preventing future killings.

After the April 2nd release of Attorney General Sorrell’s report exonerating the shooters, the group undertook an analysis of the incident based upon the publicly available evidence. This report is a direct result of the group's investigation and analysis, and was sorrowfully written by many of Woody’s close friends. It is an attempt to portray the incident in light of the actual evidence as well as expose the apparent attempt by the Vermont Attorney General to conceal the evidence of an unjust police shooting.

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Narrative of Events

INTRODUCTION

The following is a narrative description of the events surrounding the December 2, 2001 shooting death of Robert Woodward. Based upon documents provided to Justice For Woody by the office of the Vermont Attorney General, this narrative relies upon the official transcripts of the Brattleboro Police dispatcher in conjunction with statements and interviews taken by State Police Detectives from eyewitness, police, and rescue personnel.

Distilled from the more comprehensive Detailed Narrative (available as an adjunct to this report or online at www.justiceforwoody.org), this narrative represents the first opportunity for the press and public to gain an understanding of the incident from the perspective of those present. Every effort has been made to provide a complete and accurate portrayal of events as described by more than twenty eyewitness accounts.

WOODWARD ASKED FOR SANCTUARY

Robert Woodward pleaded for sanctuary at the All Souls Unitarian Church in Brattleboro, Vermont on the morning of December 2, 2001. He entered the church, where he had never been before, and where he knew no one, at ten o'clock, just before the commencement of services, and went straight to the podium. He had a small bag with him, and a sheaf of papers, to which he referred as he spoke. He was out of breath and extremely upset. He told the congregation that his life was under threat from the CIA. He also indicated that there might be other government and military entities involved in these threats against him. He said he was "in danger" he had received direct threats of bodily harm, and that he was there to ask for sanctuary. He said he was glad he had gotten to the church.

Woodward, in spite of his agitation and fear, deliberately disclosed his full name, date and place of birth, place of residence, and a short synopsis of his biography. He explained that he had lived in Amherst, Massachusetts and now was a resident of Bellows Falls, Vermont. He said that he was employed in an agency that worked with troubled adolescents. He explained that his work as an environmental activist, the nature of which he mentioned briefly, had led him into trouble with the government. He expressed with urgency that he was being recruited to work for the CIA, and threatened with torture and death if he did not comply.

At one point he emerged from behind the podium and handed out a series of written messages to the seated parishioners. The messages were inscribed on blank checks from his checking account. The messages urged the Unitarian faith to embrace environmental activism. Suggestions about fuel conservation and public service were underscored with exhortations that these ideas should be promoted to other Unitarians nationwide. Some of the checks described his plight and pleaded for help.

As Woodward spoke, his evident terror eclipsed his ability to speak in an ordered fashion, and he began to jump from topic to topic, his voice projecting enormous anxiety. He impressed on the listeners that he had a statement he needed to read to them, and he detailed more explicitly the nature of the threats he said he was receiving.

Witnesses recall that at one point he stopped speaking and put his head on the podium to collect himself, and that he seemed close to tears.

The minister and various other congregants approached him, requesting that he stop interrupting their planned service, and suggesting that he move to another room with some of them. He verbally rebuffed all attempts to redirect him, and he continued to speak.

Woodward's tone remained intensely agitated and terrified, which a number of people interpreted as psychosis or paranoid schizophrenia.

The children in the congregation were taken from the room, to which Woodward expressed no objection. A number of people left individually, and he did not react.

However, when a member of the congregation (perhaps the minister, Deborah Mero, according to at least one witness) stood up and asked the congregation to move into the smaller chapel, Woodward produced a knife with a three and a quarter inch blade from his pocket, held it to his eye. He threatened to kill himself if he was left without witnesses. Though still highly agitated, he was specific in his explanation that his need was for witnesses to his statement and to events that might soon transpire. He abjectly begged the congregation to stay and help him.

WOODWARD DID NOT THREATEN THE MEMBERS OF THE CONGREGATION

At no time did Woodward threaten anyone in the congregation with the knife. Nor did he make verbal threats of harm to them. All eyewitness statements are in explicit and full agreement on these points.

The congregants had varying reactions to Woodward's behavior. Some have stated that they were frightened and left the room quickly. Some say they remained out of fear for Woodward's safety, considering his suicide threats. One woman says that she stayed because she felt anxiety for her own safety. Several others report that they stayed because they were not afraid and wanted to see if there was anything they could do to help.

Parishioner Jane Worley, a psychiatric nurse, approached Woodward and asked him to put the knife away. He then apologized and returned the knife to his pocket, continuing to beg that people remain in the sanctuary and "bear witness." He verbally assured the people that he did not intend to hurt them, and witnesses have described him as "polite" and "believable" in this. He apologized for taking drastic action, according to Worley, but said he felt justified in that such drastic action had been taken against him. The witnesses remain in complete agreement that at no time did he make threats to any of them. Some who remained until the end say his behavior made them feel threatened, but a greater number maintain that they never felt afraid for themselves.

THE POLICE WERE CALLED

Church President Charles Butterfield left the sanctuary and called 911 from a church office telephone. Dispatcher Renee White led him through a series of questions about what was happening in the church.

Butterfield informed White that an unknown man had entered the church and was "preaching gibberish." He told her that Woodward did not appear to have any weapons.

Butterfield then relayed Reverend Deborah Mero's request for a plain clothes officer, explaining that Woodward had expressed fear of the police and would likely be "quite upset" at the sight of a uniform. White informed him that no plain clothes officers were available and uniformed officers were on the way. She dispatched to the officers that Woodward "had a problem with the police" but did not relay the request for plain clothes.

Then, Butterfield, who was being updated as to events in the sanctuary by another congregant, Tom Baehr, reported that now Woodward was "making threats."

"To the people?" queried White,

"OK, to the people," Butterfield replied.

White dispatched the following statement to the patrol units: "Okay, apparently he's now making threats towards the congregation. There are 60 to 70 people in the building. Believed to have no weapons, not carrying anything."

Moments later, Butterfield reported that Woodward had a knife and was making threats of suicide.

“Dispatch all units responding, subject is threatening his own self now and they are saying he DOES have a knife,” announced White.

A patrol unit asked White if anyone knew the subject’s name.

“No, we don’t know him,” Butterfield answered.

White said, “Negative, it is not known to anyone there.”

At that point, the police arrived at the church and the phone call was terminated.

So the police arrived on the scene in full regalia, having been informed that an unidentified man who “had a problem with the police” was “preaching gibberish” and threatening 60-70 people with a knife. When in fact, Woodward had taken great pains to identify himself and explain why he was there, had clearly asked for sanctuary from the government and, by all accounts, had threatened no one with a knife except himself.

THE CONGREGATION TRIED TO HELP

In the sanctuary, Woodward, no longer holding the knife, was being assisted by a parishioner, Michael Italia, while between 15 and 20 witnesses who had chosen to remain, were seated calmly nearby. Italia drew up a pair of chairs near the podium and Woodward agreed to sit and talk with him.

Woodward then made a renewed effort to explain his presence, and asked again for sanctuary. He attempted to provide verification of his identity and worthiness. He produced identification cards, and explained that he knew Unitarians from Connecticut and Massachusetts and felt that this denomination was the one that could best provide the sanctuary he sought. He promised that he would cease to criticize the Bush administration if the church would grant his request.

Parishioner Mary Hunt wondered if Woodward was aware of the All Souls Church’s history of providing sanctuary to persecuted Salvadorans in the 1980s.

Woodward asked repeatedly for a cell phone. He explained that he wanted to call people who could vouch for his credibility. A parishioner produced one and handed it to Michael Italia. Woodward gave Italia a list of phone numbers. Italia was able to call two of the numbers before the police entered the sanctuary. Answering machines responded at each of the numbers.

The second answering machine made a recording of the sounds in the church. When the number was dialed, the police had not yet entered the sanctuary, and by the time the message options were complete and the recording began, Woodward had already been shot seven times. Hence, it can be observed that the events moved extremely quickly from this point.

THE POLICE ENTERED THE SANCTUARY

What followed is a point in the proceedings when events unfolded so quickly that the eyewitnesses have varying recollections of what occurred. In this moment of confusion, there are three events that certainly occurred in very close proximity to each other. One was that congregant Tom Baehr, as instructed by the patrol unit via dispatch, entered the sanctuary and announced in a loud voice that everyone must leave the sanctuary. Another was that the police entered the sanctuary seconds after this announcement. It is also clear that at this time Woodward became very frightened and upset, and backed away, once again placing the knife against his eye and threatening suicide. The point about which the eyewitnesses do not agree is exactly what precipitated Woodward’s sudden increase of panic. Some say that it was the announcement, others that it was his awareness of the police. Some say that the knife came out again before the police came in, others say that the

knife was already at his eye when the police came in. There is some variation in the witness observations of precisely when and how the police entered the room, as well.

Some witnesses observed that Woodward became aware of the police's presence prior to their entrance into the sanctuary, either through observing Officer Holbrook peering around the door, or through hearing people discussing the arrival, and that this was what precipitated his state of increased panic.

Perhaps the strongest indication that Woodward did not become extremely agitated until after the entrance of the police comes through the recollection of Officer Marshall Holbrook. He reports that he was unable to distinguish which of the two figures at the front of the room, one of whom was Michael Italia, was the unwanted subject. Holbrook says that at that time Woodward's hands were down and he could not see any knife.

Despite the varying witness recollections upon this point, it is clear that the police-ordered announcement that the room must be cleared, and their forceful entrance in full regalia seems to have precipitated a dramatic turn of events.

Robert MacLean recalls, "When the police arrived and that just... everything just blew up. A sight of a uniform just totally changed the whole character of the scene."

THE POLICE FAILED TO ASSESS THE SITUATION UPON ARRIVAL

While Michael Italia was assisting Woodward, the police were approaching the building. The statements given by Officers Marshall Holbrook, William Davies and Terrance Parker strongly indicate that they did not find the scene the dispatch messages had led them to expect and that this puzzled them.

Holbrook reports that he thought it "strange" that people were standing around the entrance, considering that there was a man with a knife inside. Then, when he peered into the sanctuary, he says it was not clear which of the people inside was the unwanted subject. He asked a woman standing near the door to point out the man. Holbrook says that the man she indicated had his hands down and no knife was visible to him at that time.

Certainly, Holbrook did not observe a scene of chaos and panic. What he saw, according to his statement, was an unarmed man in close proximity to a number of people, none of whom seemed panicked.

Holbrook paused at the entrance to the sanctuary, awaiting reinforcements. He motioned for the seated parishioners in the sanctuary to come out, attempting to attract their attention without alerting Woodward to his presence. When Officers Parker and Davies arrived shortly thereafter, Holbrook expressed frustration to Parker that the parishioners had not obeyed his directions.

When the officers conferred briefly at the doorway prior to entering the sanctuary, they do not report having acknowledged or discussed that the scene was not what they had expected. But they all report being impressed by the calm of the parishioners.

Parker describes the scene as "an afterglow," and noted that there was no crying, no panic. "It was extremely serene," he states. Davies recalls that he wondered if people were "in shock" because they "appeared in a docile or domestic state."

It does not seem to have occurred to the officers to make a renewed assessment of the risk level at this point. Parker describes that he did not "focus" on the room full of people, thinking instead "where's our subject?"

Nor had they attempted to glean any information as they proceeded from their cars to the building by talking to the parishioners assembled outdoors. By their own accounts, they only moved forward, ordering people to leave the scene. An individual who appears to have been the minister approached Parker as he walked up to the church, and, according

to Parker, said to him “ please be gentle... he seemed like a sick man” to which he replied “OK, thank you, but you need to leave, please leave.”

Several parishioners later expressed regret that the police had not been briefed before they encountered Woodward.

WOODWARD PANICKED AS THREE OFFICERS CAME TOWARD HIM

In the sanctuary, Michael Italia wondered how he might engage the now significantly calmer Woodward, and considered whether asking him about his work with troubled teens might “redirect” Woodward. At that time, congregant Tom Baehr entered the hall and stated in a very loud voice that everyone must leave immediately.

Seconds later, the police entered. The three officers fanned out, moving forward steadily. Woodward became significantly more agitated.

As the police advanced toward Woodward, his fear increased greatly, and he backed into the corner of the room, holding the knife to his eye and threatening suicide. According to witnesses, he shouted that the police had arrived to threaten, kill and torture him. The police moved forward rapidly, loudly instructing the parishioners to leave the hall.

Some of the parishioners have stated that they considered the manner in which the officers approached Woodward to have greatly exacerbated the situation, noting that this was Woodward’s “nightmare.” Some said that it was clear that the parishioners’ efforts had calmed Woodward, but that the aggressive approach of the officers “traumatized” him. One witness characterized this turn of events as “tragic.” Another opined that this was “the worst thing that could have happened from the point of view of the man’s mental state.”

No witness statements expressed relief at the rapid movement of the officers, and many expressed criticism that the officers did not try to “engage him in some way”.

ONE MINUTE FROM POLICE ENTRANCE TO THE FIRST SHOT

There is some disagreement on how loudly the police spoke to Woodward. Some say that they were “not shouting” but were “trying to be reasonable.” Others recall “a yelling competition,” or that the police were “trying to match his volume.”

When asked what they recall the police saying to Woodward, most witnesses say that if they heard any words clearly at all, they heard “drop the knife” or “put the knife down,” uttered forcefully several times. Fewer than three variously recall hearing some consoling words such as “we’re here to help you.”

Some witnesses say they heard Woodward explicitly state his refusal to drop the knife. Others do not, recalling only that he shouted “No, no” and threatened suicide. Three witnesses conjectured that they believe that Woodward’s intense terror or his threats of suicide prevented him from processing the sudden commands in a rational manner.

Officer Parker’s account of his actions states that he “quietly and slowly walked forward,” between two rows of seats, and halted when he arrived at the front of the center aisle. He recalls that as he proceeded, he addressed the parishioners, instructing them to leave. He also says he made many statements to Woodward during the advance, such as “nobody needs to get killed, we don’t do that,” and “just come on, calm down,” and “no let’s sort this out, everything’s going to be OK.” He also reports that he drew and aimed his service pistol as he came forward. All of these actions would have necessarily been effected in less than one minute, since that is the time between the entrance of the police and the firing of the first shot.

Interestingly, the recollections of Officer Parker do not include the one phrase the eyewitnesses heard him say. Parker was asked “did you give him any orders on what to do?” and his reply was “I did not at that point.” Nor does he at any subsequent point in his statement relate that he told Woodward to drop the knife.

His account of himself as “slowly going forward” is also contradicted in a subsequent reply. When asked where he positioned the gun after he pulled it from his holster, he recalls, “I believe I kept it down by my left side. I’m a lefty, so I, I was running and, and I just pulled it out and kept it by my left side.”

Both of the other officers state that they did not address Woodward, but that Parker was, according to Holbrook “the one telling, directing the suspect to put the knife down.”

After the lapse of one minute, the officers, with guns drawn and trained on the hysterical Woodward, fired.

WOODWARD’S KNIFE WAS POINTED AT HIMSELF IN THE MOMENT BEFORE THE SHOOTING

The events that immediately preceded the firing of the first shot are the most controversial of the entire event. However, the division is shown primarily between the police and the witnesses, and not between the witnesses themselves.

The police say that Woodward abruptly altered from his course of threatening suicide while pleading for sanctuary, during which he had been consistent in his non-threatening stance, and performed a dramatic charge with deadly intent, his knife aimed directly at Officer Parker.

Parker says: “Without warning and without provocation he ran at me with the knife he took the knife from where he had it, from his face he had set it, let it go down a little bit and then he just came running at me... He had sort of dropped his hand and all of a sudden he started to run and that he had the knife off to his side running toward me.”

Holbrook’s recollection: “He was holding (the knife) in his right hand with the blade pointed out. And ... that was just for a split second, there was no warning, and he just charged at Officer Parker.”

Taken in total, the eyewitness impression of the moment before the shot paints a markedly different picture than that of the officers. In the April, 2002 exoneration of the officers by the Attorney General Sorrell, much was made of the fact that some of the eyewitnesses did not have an unobstructed view of Woodward at the moment before the first shot. And scrutiny of the evidence does reveal that at that moment, the eighteen witnesses did direct their attention variously.

Four state that they were not looking at the proceedings at all in the seconds prior to the first shot. Another four say that their view was completely blocked or that they do not remember where they were looking. However, the space of time between the moment when all agree Woodward was threatening no one but himself, and the disputed moment of the alleged charge totals only a few seconds.

For example, Charles Tummino says that he turned away from his view of Woodward for what he estimated was three seconds before he heard the first shot. Prior to those three seconds, Tummino maintains that he never saw Woodward lower the knife from his eye.

All of those who cannot claim a partial or direct view of Woodward at the moment of the shooting agree that they never saw Woodward lower the knife or point it at another person prior to his being shot.

Of those who had a partial view, there is no recollection of seeing Woodward come forward, certainly not at a run. Donna Payne, who says she could see Woodward the entire time “except for the part of his body that was blocked” did not see Woodward come forward. Iain Worth, who describes his view as being from an angle, says that when the first shot was fired, Woodward was “standing.” Mary Treat, who says she had a consistent view of Woodward’s “top half” does not recount a charge, and says that the knife was held “Only to himself. He had it up to his eye.”

Janis Chaillou, who describes her view as “peripheral,” attracted the attention of the interviewing detective when she said that Woodward “had the knife forward,” and that it was not in his eye. She was then questioned closely. She stated numerous times that she “wasn’t really looking at him,” and that she “wasn’t sure, because she turned.” And when she was asked if just prior to the first shot, Woodward had made a gesture toward the officers, or walked toward them, her reply was consistent with that of other witnesses: “I’ll be honest with you, I believe it was after the first gunshot.”

Adelbert Ames admits that he was looking back and forth rapidly between the police and Woodward and was not entirely sure which he was looking at during the crucial seconds. But he maintains that he was watching both parties, and stated several times that he was confident he “would have remembered if he had turned in any aggressive way and threatened them... I think he was threatening himself with his knife...I didn’t see him threaten anyone else...”

Four other witnesses indicated that they had no obstruction to their view of Woodward prior to the first shot, and that they were looking in his direction at the time. They all concur strongly that Woodward made no motion toward the officers.

Tommy Thomas recalled “ he certainly wasn’t threatening the policemen in any way and then the policeman shot...”

Jane Worley states, “I didn’t see him move toward anybody else. Like I said, the knife got closer to his right eye... He made no threats to the officers. He made no threats to anyone else.”

Norman Hunt recalls, “There was no threatening done. I mean, he did not threaten anybody except himself... I didn’t see him point it at any time except to his own eye.”

“At the time of the first shot,” Polly Wilson agrees, “he was standing to the left hand side of the lectern... he had a knife towards his own eye. He looked defensive, not offensive, if you know what I mean by that difference.”

Sherri Manning was asked, “From what you could see, what caused the officers to shoot?”

After a long pause, Manning replied, “You got me. I think it was the fear factor. I don’t know how they were trained. I don’t know...” And Manning continued to maintain throughout her questioning, “He was definitely threatening to kill himself... He was not attacking.”

A particularly troublesome aspect of the shooting is whether any bullets were fired at Woodward after he had fallen to the ground. There appears to be significant forensic and eyewitness evidence that this was so. While many witnesses recount that in their shock and confusion at the initial shots they turned away or were otherwise unable to stay focused on the remainder of the shooting, at least one witness, Tommy Thomas, has attested to viewing the entire sequence of the shooting. He stated explicitly to reporters from the Hartford Courant on January third that he observed Woodward receiving approximately five shots as he lay on the floor. He reasserted this observation on multiple occasions, once before a large audience at the January 20th community meeting at the Quality Inn in Brattleboro. This subject is treated in more detail in Part Two.

WOODWARD WAS HANDCUFFED WHILE HE BLED

After the shooting ceased, Marshall Holbrook radioed the dispatch center with this report, “Dispatch, 76, We have shots fired. We need Rescue up here now! We need Rescue!” Terrence Parker got on the radio as well and reported, “Dispatch we’ve had shots fired. Rescue right in as soon as you can.... Notify Detectives and State’s Attorney.”

Officers John Freschette, Mike Gorman, David Gerard and Gene Wrin were called to the scene, and accompanied by Acting Chief John Martin. The Brattleboro Fire Department sent firefighter Shawn Hammond and another firefighter named Olney. Two teams of

paramedics from Rescue Inc. reported that they were also on the way, the second team stating that that they would be delayed somewhat.

Dispatcher Barbara Wheelock announced to all units responding, "Scene is secure, we just, they do have one, uh, person in custody, you're all set."

While the other policemen and the medics were en route, Woodward lay on the floor in a widening pool of blood. And according to witnesses, as well as to the answering machine tape, he was still vocalizing loudly. He was also, according to witnesses, "combative" and "trying to move his arms."

Marshall Holbrook reports that he "took the knife and pried it out of his hand and tossed it away." Officers Parker and Davies then handcuffed Woodward.

One issue of serious concern is there is no indication that Woodward was read his Miranda rights. The two-minute answering machine recording begins with shouts of "handcuffs," so presumably it covers the period of time when Woodward was officially taken into custody, but the Miranda rights are not read during that space of time. By the end of the two minutes, the shouts of the officers have died down, and towels are being discussed over the sound of Woodward's moans and shouts.

Both of Woodward's arms had been shot, one bullet to the left arm and four to the right arm. The right elbow was shattered and rapidly becoming severely edemic, according to physician Phyllis Woodring. Officer Parker says that the bleeding made his right arm "slippery" but that they were "able to get both arms into submission for the handcuffing."

One witness recalls hearing Woodward shout repeatedly at this point, "They're going to torture me now, they're going to torture me!" Another recalls Woodward begging the officers not to hurt him.

Parishioner Phyllis Woodring, M.D., approached the officers and offered to assist. Parker states that he invited her to help. Woodring recalls "They were saying everybody get out, but I wasn't about to get out."

Woodring reports that she requested repeatedly that the officers remove the handcuffs so that she could turn Woodward over and examine the wounds to the front of his torso, and attempt to stanch the heavy bleeding. The officers refused.

There is some variance in the time perception of certain witnesses as to how many minutes passed between the shooting and the entrance of the first EMTs. Some witnesses say the EMTs arrived "amazingly quickly." Woodring recalls an interval of ten to twenty minutes. The officers believe it was five minutes or so, which seems to be the majority perception. Nurse Jane Worley recalls that there was sufficient time in that interval for her to speak to Officer Parker, go to her car to get her first aid kit, and to return and begin treating Woodward's wounds.

The first team of medics arrived. EMT Elena Mayo cut off Woodward's shirt, with the handcuffs still in place. She states that Woodward was "conscious and alert to circumstances."

Mayo says that she was able to convince Officer Davies to remove the handcuffs, recalling that he at first resisted because the "subject had not been searched." However, when Rescue Inc. Captain Brian Patno arrived with the second team, some minutes later, he noted that Mayo was "working on getting some IDs" and that Woodward was still handcuffed, his shirt having been removed.

Patno recalls that the Officers first refused to take the handcuffs off, but that he was able to convince them that Woodward posed no danger because of his wounds. At last the handcuffs were removed. When Woodward was turned over, Phyllis Woodring reports that she observed a wound on his upper right quadrant, which she has been unable to stanch because Woodward was face down due to the handcuffs.

While there is no official notation of the length of time that Woodward was allowed to bleed uncontrollably prior to the removal of the handcuffs, firefighter Shawn Hammond's statement gives us a clue. He reports that after hearing the transmission that the shots had been fired, he completed his journey from Fire Station 2 to the church and parked the engine facing away from the church. He exited the engine, went over to the ambulance to gather medical equipment, and then proceeded to the rear of the building. There he was met by a police officer who led him up a flight of stairs and into the main hall. He observed Woodward lying "on his side almost face down with handcuffs on," talking to Phyllis Woodring. He observed Rescue Inc. initiate care. He was then asked to go back to the ambulance and retrieve oxygen equipment and a backboard. He performed this task, returned to the sanctuary and set up the oxygen at 15 lpm. Only then did he observe Brian Patno discussing the removal of the handcuffs with the officers.

After the handcuffs were taken off, Woodward was placed on a backboard. Hammond reports that he observed "a large amount of blood" beneath Woodward after he was turned over.

Both Phyllis Woodring and Jane Worley made detailed statements about Woodward's wounds. Worley admitted to being troubled about the nature of the wounds, commenting, "To shoot him in the stomach, I'm not sure what purpose that served."

WOODWARD'S FINAL STATEMENTS

After he fell, Woodward continued to vocalize throughout the course of his subsequent handling, despite his injuries. Witnesses characterize his tone with the words moaning, bellowing, ranting, yelling and whining. The answering machine message recorded clearly audible shouts of "Political assassination!" and "It's about global warming. I love you." And "Help. Help me!" interspersed with tormented groans.

Jane Worley recalls that Woodward looked up at the officers and Rescue workers and asked who they were. "One of the officers said, well, we're here to help you. And he kind of laughed at that, thought it was "well, isn't that strange," or "isn't that peculiar?"

Many witnesses recall that Woodward continued to denounce the CIA as his strength failed. The EMTs, and fire personnel also heard Woodward speaking about the CIA. EMT Elena Mayo recalls that he "stated this was a political assassination because he was an environmentalist and the CIA wanted to keep him quiet." Many witnesses heard him recite a litany of names of famous people whom the CIA had "killed with cancer," including George Harrison, Bob Marley, Tip O'Neil, George McGovern, Jeb Bush and Paul Tsongas. He also was heard to declare that he himself had cancer, and that it didn't matter if he died because the CIA was out to get him and would kill him anyway.

Many people present heard Woodward utter statements of apology. There is significant disparity between what the Officers and the EMTs heard and what the parishioners heard, with regard to the apologies.

The officials report hearing Woodward make apologies directly to the officers and stating that he had wanted to be killed. However, the eyewitnesses do not recall any such admission of culpability in Woodward's apologies, remembering instead that Woodward expressed contrition for being at the center of a crisis.

Jane Worley: "He apologized for scaring people, and that he loved us all."

Rescue Inc. employees and some of the officers and firefighters responding have stated that they heard Woodward apologize "to the officers" or "to the officer he assaulted." They also report that he made various statements to the effect that he had wanted to be shot and wanted to die.

At this point, however, it should be noted that Woodward had lost a great deal of blood. Nurse Jane Worley states that she estimated that he was "in shock." And Brian Patno, recalls, "I'm not an expert at it, but he was not in his right mind at the time."

Regardless of Woodward's state of mind after the shooting, any statements made while in custody were made without having been read his Miranda rights.

It is unfortunate, in any compassionate consideration of Woodward's final hours, that Brian Patno's statement reveals a number of places where he, the chief EMT in charge of Woodward during his first aid and ambulance transport, was harsh and unsympathetic to his patient. Patno relates that he said such phrases to Woodward as "What did you expect?" "Well, you got what you wanted," and "It should hurt, you've been shot."

It seems plausible that Woodward might have stumbled to get out words that might have placated or elicited compassion from the people he perceived as his tormentors, people to whom he had become ultimately vulnerable.

In considering the alleged apology, the inconsistency of Woodward's own views at the time must be weighed against the credibility of such a confession. Woodward alternated between taking responsibility for his own shooting, and asking "why did they do this?" He declared his absolution of the shooters one moment, and called his death "assassination" at another.

"He was rambling on the whole time. He definitely was not there mentally when we were working on him. I mean, he was rambling on not making any sense whatsoever," says Patno.

REPORTS FILLED OUT IN TANDEM AT BPD

The eighteen eyewitnesses from the congregation handed in written statements on December 2. Police detectives interviewed most of them before departing from the church that day. A few were interviewed the following day.

The EMTs did not finish submitting their statements until December 21st.

The police officers were directed to return to the station before being asked to fill out statements on December 2. There, they filled out written reports together, in an atmosphere that can only be described as careless.

Officers Parker and Holbrook both recall that Acting Chief John Martin instructed them to return to the station and "chill out." Parker recalls being told to "jot down some notes." Holbrook states that "a couple of hours" lapsed between the shooting and the writing of the reports. All three officers wrote their statements, according to Officer Davies, "in the same proximity at the same time in the patrol area of the police department."

Officer Parker recalls "There were other officers coming in and out and the other two officers were there."

Parker assured the interviewer that the officers "really didn't" discuss the shooting as they sat in that room. Holbrook agrees, recalling "No, because I remember John Martin telling us when he left he didn't want us to discuss it."

Parker admits that the officers did discuss the shooting privately with one another prior to being formally interviewed the following day.

Officer Davies says, "We were instructed by Deputy Chief Martin at the scene not to discuss the matter with each other and that we were to wait for somebody to come back and talk to us."

Davies was asked, "As you were typing out your reports was there any conversation between the three of you as to what happened?"

"Not in regards to the incident. I mean, we had normal police, you know, tease each other, do those kinds of things that you normally do."

Upon leaving the "chilled out," "teasing" police officers unsupervised, in the same room, to fill out their official reports, Deputy Chief Martin left town for a three-day vacation.

AFTERWORD

This concludes Justice for Woody's narrative of the events of December 2nd, 2001. For more information, please refer to the comprehensive Detailed Narrative upon which this abbreviated version is based.

Since Sorrell's office has released no autopsy or medical information concerning Robert Woodward's death, we cannot address decisions made regarding his treatment after he left the All Souls Church. What we do know about Woody's final hours is that he was taken to the Brattleboro Memorial Hospital at 11 am, then airlifted to Dartmouth-Hitchcock Medical Center, in Lebanon, NH, where he died as a result of gunshot wounds while in surgery at 2 p.m. that day.

Final Shots

While the Attorney General's conclusion that the officers' first shots were fired after Woodward began moving toward the lectern is contradicted by eyewitness accounts, so too is its finding that all of the shots were fired before Woodward collapsed. In the latter case, forensic evidence such as the autopsy and ballistics reports, blood spatter patterns, the rug, and Woodward's shirt, would be extremely informative...if available. Nonetheless, there is ample eyewitness testimony about those artifacts.

Shooting Eyewitnesses

Interestingly, State Police Detectives asked only two of the eyewitnesses, Polly Wilson and Mary Hunt, whether shots were fired after Woodward fell near the podium. These are two of the most elderly eyewitnesses, both in their 80s. In his "Woodward Shooting Report", Vermont Attorney General William Sorrell cites the following quote from Mary Hunt:

"so they wrestled him down and he was down on the floor when the shots came."

Alleged to be inconsistent with her March statement, it follows with the following excerpt from Tommy Thomas' December 2nd written statement:

"There were about 6 shots, some after Woodward fell."

This paragraph, in the DIFFERING WITNESS RECOLLECTIONS section, has the effect of casting Thomas' statement as unreliable. In fact Thomas had a clear vantage point of the action from where he stood on the elevated ramp in the right rear corner of the room, and he continued to focus on the events throughout the course of the shooting. His public retellings of what he witnessed were consistent with, and in some cases more detailed than, his written statement. The State Police Detectives did not question Tommy Thomas about his observation of shots after Woodward fell.

Eyewitness Janis Chaillou wrote a chronology in her report in which she indicates that shots were fired after Woodward had fallen. This chronology was omitted from the summary of her statement typed by Detective Robert McCarthy, and she was not questioned about the matter in her interview. Her chronology reads as follows:

"Entrance Bob at podium; Talk to us - pass out slips; Children outside; We were being in small groups; Police moved in; 1-2 shots; Fell to floor near podium - blood; Several shots; Police surrounded him; Left room"

Chaillou's recollection appears again in a response to the Detective's question about the beginning of the shooting:

"... I didn't see him get hit. I didn't see the several shots. I just heard the one shot, pause, I saw him on the floor. You know, I saw those other shots, I saw him on the floor ..."

The Detective did not ask Chaillou to clarify the order of events.

Eyewitness Jane Worley also speculates in her December 2nd interview that the wound in Woodward's back might have occurred "if the gentleman turned over" while being shot, suggesting her belief that the bullets were fired when Woodward was in a prone position.

Prior to his death on January 29th, Thomas made a number of public statements insisting that Woodward was shot after he fell. His statements to Hartford Courant reporters Josh Kovner and Gary Libow during an interview conducted at the scene of the shooting were perhaps the most explicit.

Responding to questions by the incredulous reporters, Thomas described in graphic detail what he saw. He explained that after the first two shots, Woodward moved toward the entrance, which was at an angle to the direction of the officers, and collapsed to the

front and left of the lectern. Thomas described Woodward's position after his collapse in detail: He was laying on his left side, his front facing the windows at the front of the sanctuary and his feet toward the Christmas tree; he was curled up in the fetal position, holding the knife toward himself with the tip adjacent to his right eye.

It was as he lay in this position, Thomas said, that the officers fired the final fusillade of rounds into him from above. Thomas described the stances of the two officers: One officer was standing to either side of Woodward, and each was pointing his gun down while firing.

Thomas expressed confidence that the autopsy would corroborate his version of events by showing that most of the bullets entered Woodward from his right side.

Thomas made other, less explicit public statements about his view of the final shots which were captured on video or audio tape. During the January 20 town forum at the Quality Inn, Thomas said:

“And John Martin just indicated that he has information that the rest of us ... that seems to be contradictory to what the rest of us think we saw, and that is that there would have been no bullets entering Woodward's body when he was lying on the floor, and if that is true that's news to what we thought we saw.”

Forensics

Forensic evidence such as the autopsy, ballistics tests, and blood spatter patterns could go along way to substantiate or refute the theory that Woody was shot from above after he collapsed. Unfortunately, this crucial information has not been released to the public.

However, there were several eyewitnesses to such artifacts, and their observations tend to substantiate what Thomas and Chaillou recalled.

EMT Brian Patno drew certain conclusions from the distribution of blood he observed in the room. His September 16th interview contained the following exchange:

BP: “And that was obviously where he got hit cause he was lying right there in all the blood.”

KL: “Okay. So it was evident to you that there was some ...”

BP: “That was where he was hit.”

KL: “There was some ...”

Sorrell's report describes Woodward's wounds only as:

“... four bullets in the right arm, one in the left arm, one in the abdomen and one in the lower back, ...”

It does not disclose anything about the exact locations of the wounds, the presence of exit wounds, or the direction of entry. Fortunately, several of the eyewitnesses and EMTs recall the wounds in greater detail. They indicate that the abdominal wounds were to his right side and probably entered from his right, as predicted by Thomas. EMT Elena Mayo recalled:

“His right arm badly and obviously fractured, bleeding on abdomen, hands restrained with handcuffs. When I cut his shirt I saw two holes in his right flank.”

Eyewitness and physician Phyllis Woodring recalled:

“I saw that his arm had been ... I saw open wounds in his arm ... I could see (an entry wound) in his flank ... so I was concerned about what was in the front, but I couldn't get him turned over because his hands were handcuffed. When they got the handcuffs off, I saw another entry wound in his front, in his upper right quadrant. I never saw any exit wounds but there was a bullet over on his left side. It was just under the skin ... This arm had two or three, I think, bullet holes that looked like maybe one was an entry wound with

an exit ... his right arm. His elbow was shattered ... he was bleeding profusely from that right elbow. The left arm was also shot.”

Eyewitness and nurse Jane Worley recalled:

“So I saw the gun wounds. ... There were three that were on the right arm. ... it was concerning to me is that I distinctly remember seeing two gun shots in the abdomen which looked like it was around the liver.”

These three medical professionals clearly state that the two entry wounds in Woodward's torso were on his right side. Moreover, Woodring's observation of a bullet just under the skin on Woodward's left side is particularly revealing. This bullet could only have entered from one of the two known abdominal entry wounds, both on his right side. It therefore must have entered his right side, traveled through his abdomen from right to left, and almost exited. Such a wound must be unusual, since a bullet would have to lose its kinetic energy just as it emerged from the body cavity in order to be stopped by the skin. But if his left side was lying on the carpet when the bullet hit him, the carpet could have absorbed the bullet's remaining energy while stretching, but not breaking, the skin. This evidence alone provides a troubling indication that Woodward was shot from above as he lay on the floor, confirming the observations of eyewitnesses.

Other pieces of evidence that would be extremely useful in evaluating the theory would be the shirt Woodward was wearing and the rug he collapsed upon. If Woodward was shot from above after falling, there would almost certainly be gunpowder residues on his shirt and the rug. Unfortunately, the whereabouts or disposition of these pieces of evidence is not known to the public.

Analysis of Vermont Attorney General William Sorrell's Woodward Shooting Report

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OVERVIEW

On April 2, 2002, Vermont Attorney General William Sorrell announced his decision to exonerate Officers Parker and Holbrook for their shooting of Robert Woodward in a Press Conference in Brattleboro. He justified this decision with his 13 page "Woodward Shooting Report," which claims that, "based on all the facts and circumstances," it was reasonable for Officers Parker and Holbrook to employ deadly force due to a reasonable belief by them that Officer Parker was in imminent danger of death or seriously bodily injury as a result of the actions of Robert Woodward."

The report reads fairly smoothly to the casual reader with no exposure to the evidence. It painstakingly constructs a picture of an angry, psychotic, and unsympathetic individual terrorizing a frightened congregation, and "escalating" to ever more dangerous extremes of threatening behavior. The report gives the impression that the police had no alternative but to kill Woodward.

Even so it has a number of features which will strike the careful reader as peculiar at the very least. Foremost among these are the large proportion of the report devoted to speculations, hearsay, and descriptions of events that have almost nothing to do with the legal justification for the shooting.

Conversely, facts that do relate to the shooting are treated with either extreme vagueness or are avoided entirely. The nature of Woodward's "forward motion" alleged in the report's findings -- the key event in the justification of the shooting -- are left to the imagination, or the accounts of the shooting officers. Absent are specifics about the location of the entry wounds, the direction of entry they indicate, and whether there were exit wounds. Important forensic artifacts, such as the shirt Woodward was wearing, are not even mentioned. No information about the equipment carried by the officers is disclosed.

The careful reader will notice the inconsistency between the report's claim to consider "all the facts and circumstances" and its omission of so many important facts.

But it is when one compares the report to evidence about the case that the former's egregious distortions and deceptions become obvious. One need only read witness evidence gathered by the State Police and the Attorney General's office to see this, even ignoring the biased questioning of said investigators and overlooking the suppression of forensic evidence.

The report blatantly ignores the substantial portions of the evidence which do not support a simple exoneration. The eyewitness evidence that it does present is generally inconsistent with the total body of witness statements. The statements included are frequently taken out of context in such a way as to skew the actual intention of the individuals quoted. Unsupportable answers are offered in response to serious forensic questions. Important details are omitted regarding the actions of the key players. Aspects of the case that are highly questionable are neatly dismissed with pat phrases obscuring the significant complexities therein. In short, the Attorney General asks us to buy a reductionist, uninquisitive, and deceptive version of the events of December 2, which serves not to reveal the truth, but to belie it.

The flaws of the report are so numerous that space permits the enumeration of only some of them here. A more extensive and expanding body of analysis can be found on our website, www.justiceforwoody.org/analysis/.

FAILURES OF DISCLOSURE

The amount of information not disclosed by Sorrell's report is stunning. While the 13 page report contains lengthy and redundant descriptions of Woodward's alleged behavior and extensive rationalizations for disregarding eyewitness accounts, it contains almost no detail about facts relating to the shooting itself, such as forensic evidence.

Legal Authority

The Attorney General's report asserts the authority of the Attorney General to review, independently of an individual County State's Attorney, any case "in which death has resulted from a police use of deadly force." However, Sorrell gets off to a sloppy start legally by failing to provide any exact quotation or citation for this authority.

The report does provide a citation describing the conditions which must be met to establish that an officer was reasonable to think he was in danger of being killed or of great bodily harm by an assault from the victim, and those conditions include a consideration of "all the circumstances of the case." Yet if the Attorney General did consider all such circumstances, he certainly gives no evidence of that in his report, which is striking for how much it omits.

Autopsy

The report mentions the existence of an autopsy, but discloses virtually no details from it. Vague locations of the gunshot wounds are disclosed in the SUMMARY FINDINGS, which mentions a wound to the "abdomen" and one to the "lower back" The DETAILED FINDINGS OF FACT make no mention whatsoever of the location of the wounds. The report makes no mention of the direction of bullet entry indicated by the wounds. It does not disclose whether there were exit wounds, or the number of bullets that remained in the body. It neither discloses nor mentions any evidence regarding which wound was the cause of death, stating only that Woodward "died as a result of his wounds."

If the issue is whether killing a person is justifiable, then it follows that one must establish exactly what caused their death. Since the five bullet wounds in the arms were clearly not the cause of death, that cause must be attributed to one or both of the wounds in his lower back and abdomen. If the shot to the back was the cause of death, then the report commits a serious error in not disclosing it, and justifying why a shot to the back was necessary for the self-defense of the person firing the shot. A similar analysis could apply to the shot to the abdomen depending on its direction of entry.

Other Forensic Artifacts

The report does not mention the existence or disposition of other forensic artifacts. The report makes no mention of a ballistics report. It does not disclose which bullets came from which of the two guns. Ballistics analysis is a standard forensic procedure, yet from the report, it is not clear whether it was even conducted, let alone what it may have shown.

The shirt Woodward was wearing is not mentioned, nor is the rug on which he fell. There is no mention of blood spatter patterns or any analysis conducted thereupon.

Equipment

The report discloses virtually no information about how the officers were equipped. The extent of that information is the inclusion of the words "bullets" and "firearm". It does not mention whether they were carrying pepper spray, billy clubs, or whether they were wearing body armor. It does not disclose the caliber of their pistols, nor their semiautomatic operation. Press reports indicated they were equipped with at least pepper spray, body armor, and 40 caliber semiautomatic pistols.

A consideration of all the relevant facts would include at the very least whether the officers were wearing body armor, since that would clearly influence the level of threat

they could reasonably perceive from an assailant with a knife. It would also include the nature of their firearms since a large caliber semiautomatic weapon could more rapidly repel an assailant than a smaller caliber manual one. Their possession of nonlethal means of restraint would also be relevant.

FLAWS OF THE INVESTIGATIVE PROCESS

The Attorney General's report and evidence his office has since disclosed reveal a disturbing pattern of sloppiness, negligence, and omission in the collection and analysis of evidence relating directly to the shooting and its justification. The absence of disclosures described in the previous section may reflect either failures to investigate essential questions about the shooting or a cover-up of facts discovered through undisclosed aspects of the investigation.

Forensic evidence not collected

Although the report makes no mention of ballistics tests, press reports mentioned statements by State's Attorney Dan Davis, who remained on the case until his self-recusal on January 18th, 2001, indicating the existence of such tests. Our investigators could find no evidence, however, that the state ever collected or entered into evidence Woodward's shirt, the rug on which he fell, or documentation of blood spatter patterns at the scene. Our calls to the Attorney General's office inquiring about the status of these artifacts were not returned.

Any thorough investigation would have collected and analyzed these artifacts. Analysis of the shirt for gunpowder residues could help establish or refute eyewitness testimony that Woodward was shot after he fell. The rug should have been similarly analyzed, and examined for evidence of bullet impacts. Blood spatter analysis could have gone a long way to establishing where Woodward was when he received the bullets.

Questions Not Asked

The evidence package released by the Attorney General's office includes hand-written statements provided by most of the witnesses on the day of the shooting, transcriptions of some of those statements typed by police detectives, and transcripts of witness interviews by police detectives. As described in *Final Shots*, the written statements of two of the eyewitnesses, Tommy Thomas and Janis Chaillou, indicated that most of the shots were fired after Woodward had fallen to the floor.

The fact that neither of these eyewitnesses was questioned about this critical detail is an investigative failure of the first order. If Woodward was shot after he collapsed, he was shot at a time when the officers could not have reasonably believed he posed an imminent danger of death or serious bodily injury to them.

Handling of Shooters

Vermont State Police Detective Sgt. Kevin Anderson was quoted as saying, shortly after the shooting, that the scene at the West Village Meeting House was being treated as a crime scene. Presumably the possible crime being investigated was the unjustified use of deadly force by officers Parker and Holbrook against Woodward. Yet the officers were not treated as though they might have committed a crime. They were not detained, nor were their persons or residences searched. All three officers were allowed to fill out their reports in the same room, unsupervised. Ten days after the shooting, and 110 days before Sorrell announced his conclusion that the shooters had committed no crime, both officers were allowed to return to full active duty.

December Third Disclosure

Just one day after the shooting the State Police announced in a press release that officers Holbrook and Parker discharged their service pistols when they believed their safety and/or members of the congregation's safety was threatened. Since the purpose of

the 4-month investigation was ostensibly to determine the reasons the officers opened fire on Woodward, this disclosure on its second day exposed a fatal flaw: that the investigators had already decided the central issue and were therefore not competent to conduct an impartial investigation.

Close Enough for Government Work

One investigative failure apparent in the report itself is its use of merely a near-to-scale model instead of a scale model of the sanctuary. A central element of Sorrell's finding that Woodward made "a forward motion" toward the officers is its discrediting of many of the eyewitness accounts on the basis of their purported lack of a clear view of the action. Given the necessity of accurately reconstructing the positions of witnesses and obstructions to their lines of sight in order to determine their views of critical events, an accurate scale model is essential for a credible investigation. The report offers no explanation as to why a near-to-scale model is good enough.

March Interviews Not Recorded

Although the eyewitness interviews conducted by the State Police detectives in the hours and days following the shooting were tape-recorded and transcribed, the interviews conducted by the Attorney General's detectives in March were neither tape-recorded nor transcribed. The evidence packet released by the Attorney General provides only the detectives' summaries of the March interviews. One eyewitness who read the summary of her interview stated that she did not believe it accurately reflected her words.

The fact that the report relies heavily on the March interviews of selected eyewitnesses, particular in the case of Michael Italia, raises questions about the credibility of the conclusions the report draws from those interviews, and raises red flags about why the Attorney General chose not to record them.

GOALS OF THE REPORT

Through an analysis of the report, one can discern several goals. These include diverting attention from the details of the shooting, hiding the eyewitness consensus that Woodward never threatened others, making the officers' alleged fear of bodily harm seem more reasonable, and undermining any sympathy the reader might otherwise have for Woodward and obscuring his sanctuary plea. A variety of dissembling techniques are marshaled in service of these goals, ranging from selective presentation of evidence to outright fabrication. The present analysis organizes them into three broad categories of misrepresentation:

- Woodward's Actions and Intentions

- The Officers' Actions

- Eyewitness Accounts

The first category is in turn subdivided into the following themes, which are permeate Sorrell's report:

- The Escalating Threat Theme

- The Anger and Psychosis Theme

- The Suicide Theme

The myriad methods by which the report advances these misrepresentations are discussed in the following sections. In the remainder of this section their use in supporting said goals is examined.

Diversion from Shooting Details

The report devotes scarcely 20 percent of its space to analysis of the shooting itself and any legal justification thereof. The remainder of the report is taken up primarily by

lengthy speculations about Woodward's mental state, misleading characterizations of his words and actions, unrepresentative quotes from selected eyewitnesses, and attempts to discredit the body of eyewitness evidence. The report's dwelling on these other subjects may distract the casual reader from noticing the sparsity of material with direct bearing on the shooting itself, such as the undisclosed facts noted in the first section.

Rationalization of the Shooting

Beyond its diversionary function, the anger and psychosis theme is used to tie alleged threatening movements by Woodward to a justification of the shooting. This is done in the voice of featured witness Michael Italia, extrapolated from March interview summaries:

"According to Italia, given Woodward's level of anger and psychosis ('his intense absorption with his delusions was striking') his movement towards the police with the knife prior to the first shot could reasonably have been construed by the officers as threatening."

This is the only place in the report where the oft-reiterated theme of anger and psychosis is explicitly linked to a justification for the shooting. Since this link is not stated as a finding of the report, that theme can have no legal significance in supporting the justification.

Removal of Sympathy for the Victim

The psychosis and threatening themes seem designed to make Woodward appear completely unsympathetic to the reader, his killing deserved, inevitable, or both. But should these ploys fail to have their desired effect, the reader might at least find Woodward's death less tragic if they can be made to believe he had a death wish. This is the apparent goal of the suicide theme, which is prominently introduced as a highlighted quote on the first page of the report.

Hiding of Sanctuary Plea

Disposing of Woodward's sanctuary plea is perhaps one of the central aims of the psychosis theme. Woodward made his plea to the congregation with such clarity that every one of the eyewitnesses recalled it in their interviews, though none were asked about it specifically. Each referred to it using either the words "sanctuary" or "political asylum." Most recalled him speaking of persecution, including threats against his life. Since the principal of political asylum has significance in international law, it could potentially bring troublesome attention to the case if not rendered meaningless with appropriate diversions. To this end the report employs the anger and psychosis theme, in the manner described below.

MISREPRESENTATIONS OF WOODWARD'S ACTIONS AND INTENTIONS

Two major themes, that Woodward was an angry psychotic and that he posed an ever-escalating threat, run throughout most of the report. A third theme, that he was suicidal, is provided as a kind of clincher, passing from implied to explicit after the shooting. Yet another theme -- that of fear among congregation members -- is treated here as a sub-theme of the threat theme.

Escalating Threat Theme

Since no eyewitnesses stated that Woodward threatened, even under leading questioning by police detectives, convincing the reader that he did so would require some finesse. The report introduces the idea that Woodward threatened by presenting misinformed hearsay as fact; then reinforces the idea with deceptive language, semantic tricks with the word threatened, and manipulative statements about people's fear. A repetitive theme of escalation is added to further obscure the lack of evidence he threatened -- evidence the report goes to considerable lengths to hide.

Deceptive Use of Hearsay

The tragedy of December 2 might have been avoided if not for a miscommunication between Charles Butterfield and the dispatcher handling the 911 call. Yet rather than examining that failure to gain an understanding which might prevent future mishaps, the report hides the breakdown in order to exploit it for its agenda of establishing the idea that Woodward threatened.

The DETAILED FINDINGS OF FACT state:

"En route the officers received updated information from the dispatcher, including that the individual was 'making threats towards the congregation'"

The report fails to point out that the "updated information" was in fact misinformation, thereby implanting the idea that Woodward had threatened. Later, in the DISCUSSION OF FINDINGS, the report repeats the hearsay, again without indicating its fallacy:

"Mr. Butterfield provided updated information to the dispatcher that the man now had a knife and was threatening members of the congregation."

The second iteration of the "updated information" is falsified in two ways. First, it converts the phrase, "making threats towards the congregation," which was actually used in the 911 call, to the phrase, "threatening members of the congregation," which was not. Whereas the ambiguity of former expression allows that Woodward was merely expressing his self-threats to the congregants and not threatening them, the latter does not. Second, it implies that these threats were made with a knife, when in fact the entire exchange between Butterfield and the dispatcher about threats toward the congregation occurred before either was aware Woodward had a knife.

Deceptive Language

The use of deceptive language can be found throughout the report, but its use in service of the escalating threat theme is particularly egregious. One technique inserts unneeded qualifiers into a true statement to make a true but misleading one. For example, consider the following statement in the DETAILED FINDINGS OF FACT:

"Virtually all eyewitnesses are clear that at this particular point in time Mr. Woodward was not directly threatening anyone other than himself."

Removing qualifiers yields the equally true but far more descriptive statement:

"All witnesses are clear that Mr. Woodward did not threaten anyone other than himself."

Another such example implies Woodward would later "brandish" his knife, when the body of evidence indicates he never did.

"At this point in time Woodward had not yet brandished the knife."

The report also uses misleading quantifiers. In the following statement, "some witnesses" actually refers to a single witness.

"Some witnesses later told police they felt threatened in that they could not leave."

It fails to mention that said witness stated that he was never in fear of bodily harm. The report also exploits ambiguities in language as exemplified by the phrase "present a threat" in the following statement:

"Finally, did Mr. Woodward present a threat to the police by virtue of his actions with the knife or otherwise? Some witnesses said very clearly that yes, this was so."

While the sentence may imply the presence of threatening behavior to most readers, it can also simply mean the potential of a threat.

Feeling Threatened Versus Being Threatened

The report further promotes the idea that Woodward threatened through the conflation of expressions of *feeling threatened* with observations of *being threatened*. Only the latter can be used to establish objective facts that could justify the use of lethal force, the former reflecting merely subjective experiences. Yet the report expends considerable space recounting people's fears, sometimes couched in the language of feeling threatened. One particularly gratuitous example of this is the following:

"One woman was so frightened that she took her eight-year-old son and fled to a classroom and barricaded herself inside until the police arrived."

Eyewitness Norman Hunt illuminates the importance of precision regarding the different uses of the word threatened, in a letter he penned to the Brattleboro Police a few days after the shooting:

"Webster's New Collegiate Dictionary defines a threat as 'an expression of an intention to inflict evil, injury or damage.' No one could possibly say that Woodward expressed to him or her or anyone else such an intention. I heard a couple of individuals say they felt "threatened". They were not using the word according to the dictionary definition. I am not attempting to say whether they felt alarmed, tense, afraid, or whatever. Obviously, many of us felt that way after the shots were fired."

Escalation Subterfuge

The report is clearly intended to convince the reader that the "threat" could only increase. This is accomplished through a drumbeat of repetition of words such as "escalate" to describe Woodward's behavior, and "mounted" and "increasingly frightened" to describe parishioners' concerns. "Escalate" is used four times in the report, in all cases to describe Woodward. The one use of "de-escalate" is minimized as an attempt, even through the said de-escalation was so successful that Woodward had put away the knife, and Officer Holbrook was unable to tell who was the "subject" when he surveyed the room before entering. No such words are used to describe the rapid transition by Officer Parker from making "requests" of Woodward to employing deadly force against him.

A key assertion the report advances in order to persuade the reader that Woodward's actions required violent police intervention is that Woodward "significantly escalated" in response to church-member Tom Baehr's loud admonition to clear the room, rather than to the arrival of the police. The omission of the observations of several eyewitnesses that Woodward's panic was precipitated by his awareness of the police, coupled with its concealment of Woodward's relative composure and cooperation with parishioners prior to that moment, gives the impression of a situation spiraling out of control. The success of the church-members in managing the situation was recalled by Polly Wilson in her December second interview:

"And I thought this really is a terrible tragedy because here was a man who was almost under control, he'd been talked into being quiet ..."

Since Woodward could be expected to "escalate very rapidly" in response to the arrival of the police, based on the fears he expressed to the congregation, the misattribution of his behavior makes him appear less predictable, and reinforces the anger and psychosis theme in addition to the escalation one. It is also worth noting that Baehr's order was directed by the police.

Suppression of Eyewitness Consensus

Hiding the eyewitness consensus that Woodward did not threaten others is essential to the success of the escalating threat theme. In their interviews, 17 of the 18 eyewitnesses either volunteered that he did not threaten others, or stated the same in response to a direct question. The remaining eyewitness, Donna Payne, said nothing to contradict that

consensus. This fact is nowhere apparent in the report, which uses all of the deceptive techniques outlined above to hide it.

Anger and Psychosis Theme

The anger and psychosis theme permeates the report even more thoroughly than the escalating threat theme, perhaps because Sorrell had more material to work with in the eyewitness evidence. Variants of the word "psychotic" are found in several of the statements and interviews, but the idea of anger virtually absent, being explicitly mentioned only in the Attorney General's recounting of the March interviews of Michael Italia. Angry may be a more effective characterization than psychotic for making Woodward appear less sympathetic and his alleged charge at the police officers more plausible. Hence the coupling of these two ideas within a single theme serves to leverage the idea of psychosis to support that of anger.

Although the report contains only two occurrences of the word anger in reference to Woodward, and two occurrences of the word enraged, their placement in key quotes from featured eyewitness Michael Italia gives them prominence. A number of techniques, such as misrepresentations of Woodward's speech, and of his interactions with church-members, are used to reinforce the idea of anger.

The word fear, by contrast, appears only once in describing Woodward, and then only as part of the phrase "fearful but enraged." Given that many of the eyewitnesses experienced Woodward as fearful, while only Michael Italia recalls him as angry -- and then only in his March interviews -- it appears that the report is intended to substitute anger for fear as Woodward's dominant emotion. The purposes served by this deception are discussed at the end of this section, following a description of some of the methods used to advance the anger and psychosis theme.

Ersatz Diagnosis

Sorrell's findings advance dubious characterizations of Woodward's mental state couched in terms of a medical diagnosis. The SUMMARY FINDINGS describe Woodward as, "Manifesting signs of experiencing an extreme psychotic episode ..." and the DETAILED FINDINGS OF FACT state: "Mental health professionals in the congregation described him as being in a highly psychotic state." In fact, neither the phrase "extreme psychotic episode" nor "highly psychotic state" are used by any of said professionals. Nor do any use any two words from either phrase in combination of either their statements or interviews.

The use of these clinical-sounding phrases in the Attorney General's findings implies that there was a clinical diagnosis when in fact there was none, only speculations by eyewitnesses based on a brief period of observation.

An examination of Woodward's history reveals he had no history of mental illness or delusional thinking. He was not under treatment from any mental health professional either in the church or outside of it.

Since no one knows whether Woodward's claims of government threats and harassment are true, no one is qualified to definitively assign such words as "paranoid" and "delusional" to his statements. And since terror in response to a real threat can mirror very closely the symptoms of mental illness, a diagnosis of psychosis is not substantiated. Any assessment of his mental state would consist of mere speculation which, while interesting, certainly carries no weight in the justification of a shooting.

Repetition

The medically and legally insignificant characterization of Woodward's mental state advanced in the findings is reinforced by the enumeration of a laundry list of adjectives culled from the eyewitness evidence including, "ranting and raving," "upset," "hyper," "psychotic," "deranged," "insane," "rambling incoherently," "delusional," "clearly psychotic,"

"obviously paranoid," "psychotic break," and "genuinely deranged." One can only wish the Attorney General was so thorough in exploring issues with direct bearing on the shooting.

Misrepresentations of Woodward's Words

The report misrepresents the content and delivery of Woodward's speech to serve the anger and psychosis theme. Of the many written messages Woodward distributed to the congregation on the backs of checks, the report included only two, apparently chosen for their incoherent-sounding quality. "I love you all" and "Please have my pers'nn statemet (Sic) read from the pulpit of every Unitarian church." Not mentioned are any of the several checks that urge specific programs of environmental activism, such as creating car-share co-ops, or the ones that state he had received threats and sought sanctuary.

The report states, "He spoke to the congregation, sometimes while shouting", even though none of the witnesses describe Woodward as shouting until the police arrived.

The report describes sounds of him "screaming 'political assassination'" captured on the answering machine message tape, when a more accurate description would be yelling. It states he can be heard to say "murder" on the tape, when those of us who have listened to the tape over 50 times cannot hear it.

Notably absent from the report is Woodward's use of the word witness, which many recall him using when urging people not to leave. This word is key to understanding his self-threats. The report explains he threatened himself to persuade people not to leave, but omits the reason he did not want them to leave -- He urgently needed people to stay as witnesses for him.

But these specific complaints about inaccuracies in the portrayal of his speech do not convey the overall distortion one senses when comparing accounts of what Woodward said contained in the eyewitness statements to those contained in the report. Lost in the report are the care he took in identifying and describing himself, the urgency of his sanctuary plea, and the reasons he wanted his witnesses not to leave.

Misrepresentations of Witness Interactions

The report misrepresents specific interactions between Woodward and parishioners in order to make him appear unreasonable. An example is an interaction with Jane Worley. The report states:

"She asked Mr. Woodward to put the knife away as he was clearly scaring people. She offered to listen to him if he put the knife away. In what she described as a 'brief moment of lucidity,' with an apology Robert Woodward complied and put the knife in his pocket. His emotional state continued to be very agitated and unstable."

There is nothing in the evidence to support the assertion she offered to listen to him if he put the knife away. The effect of this fabricated statement is to suggest he was tricked by the psychiatric nurse into putting the knife away, when in fact he complied with an unconditional request. It omits the words Worley remembers Woody using in making the apology, through which he explained his actions:

"... he apologized for 'needing to take desperate action, but I feel justified because such drastic action has been taken against me.'"

Misrepresentations of Woodward's Motives

A major purpose of the anger and psychosis theme is to obscure Woodward's motives for entering the church and threatening himself. It is used to render his plea for sanctuary and political asylum -- which was the context for his self-threats -- meaningless, and substitute for it anger and psychosis which the reader need not bother to try to understand. The only mention of his sanctuary request in the report is in the following passage from finding 1:

"... highly psychotic state. He spoke to the congregation, sometimes while shouting, about a number of matters, including various government conspiracies, his concerns that

he was going to be tortured and killed for his environmental activism and his need for sanctuary. He seemed to suggest that the CIA was involved in the deaths of certain famous people including George Harrison and Bob Marley."

By surrounding the mention with descriptions of mental illness and nonsensical-sounding talk about conspiracies, it is made to appear just part of an incoherent stream of babble. The report dishonestly mentions Bob Marley in this context where no eyewitness recalled such talk before the shooting.

His use of the phrase political asylum and the word witness is purged from the report. By disposing of the sanctuary request early on, then harping on the anger and psychosis theme, the report effectively dissociates his stated motives from his actions described later in the report. Thus his refusal to comply with the requests of church officials to move to a different room, and his self threats, are made to appear irrational rather than part of a strategy of self-protection.

Suicide Theme

The suicide theme is less dominant than the threat and psychosis themes, but works in concert with them, serving some of the same goals. It makes Woodward's alleged charge toward the officers seem more plausible, and makes his death seem inevitable. It is advanced through two methods, the concealment his sanctuary plea as the basis of his self-threats, and the presentation of his alleged confession.

Alleged Confession

The first page of the report prominently features the following quote attributed to Woodward, variants of which were recounted by several of the rescue workers who arrived after the shooting:

"Please tell the officer I assaulted that I did not want to hurt him. I would not have harmed him. I just wanted him to shoot me."

Setting aside the propriety of an Attorney General beginning an official report with an alleged statement of the victim of a police killing, probably in a state of delirium due to profound trauma and blood loss, we consider the significance of the statement.

None of the three police officers involved in the shooting reported that they heard Woodward say the words "assault" or "apologize". The only similar statement reported by an officer is that Marshall Holbrook says he heard Woodward say he "'didn't intend to hurt the officer' but 'wanted us to kill him'." Parker, Davies and Holbrook all wrote statements on December 2, the day of the shooting, and were interviewed the following day. The word "assault" does not appear in any of their accounts of Woodward's verbalizations.

It is disquieting that the longer after December 2 an official's statement was taken, the more likely the word "assault" is to appear in their recollection of Woodward's last words. Considering how unlikely it seems that a civilian in Woodward's medical condition would use such a word, considering that none of the civilian witnesses heard the word, and considering how helpful it would be to the shooters if a confession of "assault" could be attributed to Woodward, this would seem to merit particular scrutiny.

In a study of the EMT and other officials' reports, the congruity with which all the attending personnel recall Woodward's apologies is quite striking, as is how prominently these alleged utterances figure in their recollection of the events. In fact, the Brattleboro officials' reports are so emphatic in their repetition of Woodward's apologies that their descriptions of the care they administered seem to get lost in the retelling. The accounts contain very little detail about the measures taken to preserve Woodward's life, with much greater attention given to repeating these alleged apologies.

How much weight can be given to these apologies in seeking to evaluate the conduct of the officers, given there is serious doubt as to whether Woodward was in his right mind when he allegedly uttered these admissions of guilt? To wit: Nurse Jane Worley states that

she estimated that Woodward was "in shock." EMT Brian Patno recalls, "I'm not an expert at it, but he was not in his right mind at the time."

Regardless of Woodward's state of mind after the shooting, any statements made while in custody were made without having been read his Miranda rights.

MISREPRESENTATIONS OF POLICE ACTIONS

The report is purged of any mention of evidence that portrays the actions of the officers in a less than favorable light. Following are some examples.

Selective Recounting of Events

The report hides the failure of the officers to assess the scene and develop a plan based on the conditions they observed upon arriving. It states:

"Holbrook also stated that on the way in he heard a comment to the effect of 'there is only one officer, I hope there are more coming.'"

It omits Parker's recollection of a woman he passed on entering the building as saying, "please be gentle, he seems like a sick man."

Nor does the report relate impressions of all three officers recalled about the surprising calm they observed upon arrival at the scene, as described in the *Narrative of Events*. Also missing is Holbrook's account of being unable to guess which of the two men at the front of the sanctuary was Woodward.

Mis-portrayal of Order

The DETAILED FINDINGS OF FACT describe Parker as, "repeatedly requested [Woodward] to put down the knife". Elsewhere the communication is also described as a request.

In fact, as documented in the *Narrative of Events* virtually all eyewitnesses recall the communication by Parker as an order rather than a request, and several recalled him shouting the words, which most remember as "drop the knife". The report cites an atypical sampling of witness recollections of the tone Parker used to "address" Woodward -- "calm, professional manner," "not shouting," "very calm," "direct voice," and "shouted" -- without noting that none recalled the communication as a request.

Beginning of Shooting

The DETAILED FINDINGS OF FACT state that Woodward "made a forward motion in the direction of Parker, with the knife still in his hand. Officer Parker fired the first shot, which struck Woodward..." without stating whether that forward motion was with his body mass or merely a body part. If the forward motion was with the hand not holding the knife, waving the officers away in a defensive posture, then the finding is consistent with the body of eyewitness statements.

Although the report is carefully worded to avoid stating unsupported findings of fact on this issue, it is clearly crafted to lead the reader to believe that Woodward began to advance toward the officers before the shooting started. This is accomplished by a variety of means including:

The use of "continued to advance" in finding #12 in order to help the reader overlook the vagueness of "forward advance".

The assertion Woodward "advanced towards the police" in the SUMMARY FINDINGS.

The prominent presentation of the officers' accounts, followed by "partially corroborating" statements attributed to four eyewitnesses.

The consignment of the remainder of eyewitness evidence to the DIFFERING RECOLLECTIONS section.

The presentation of an unquestioned version of events that is neither stated as a finding of fact, nor supported by the body of eyewitness evidence, which is examined in the next section, indicates that Sorrell deliberately misrepresents the events as he understands them.

End of Shooting

There is also considerable evidence that Sorrell misrepresents what he knows about the final moments of the shooting. The DETAILED FINDINGS OF FACT state: "After the last shot was fired, Mr. Woodward fell..." However, even with the limited evidence at our disposal we are able to make a compelling case that Woodward received the final fusillade of bullets as he lay on the floor, as discussed in *Final Shots*. Given his access to the forensic evidence not yet released, the Attorney General almost certainly has the means to definitively resolve the question of whether this was the case. The facts that he has continued to suppress that evidence, and that the report nowhere discloses the basis for its finding that Woodward fell after the last shot, strongly suggest that he is concealing what he knows to be the case about the final shots.

Medical Assistance

In keeping with its motif of omitting any facts that might reflect badly on the police, the report fails to mention disturbing evidence about interference in the delivery of medical care to the victim. The DETAILED FINDINGS OF FACT state:

"The Officers pried the knife from his hands and handcuffed him. The handcuffs were removed when requested by rescue personnel."

"Medical assistance was rendered promptly, first by those present, then by Brattleboro Rescue,"

It does not mention eyewitness Clifton Johnson's recollection of physician Phyllis Woodring asking the officers not to handcuff Woodward, nor Woodring's account of her repeatedly refused requests to the officers' that they remove the handcuffs so she could access his wounds. There is reason to believe that Woodward may have lived had not the officers handcuffed him then refused to remove the handcuffs, based on the totality of the following observations.

First, we know that Woodward was bleeding heavily from accounts of eyewitnesses recollections about the rug becoming saturated with blood shortly after the shooting. Second, we believe the abdominal wound was probably the cause of death. Third, we know that Phyllis could not access the abdominal wound to stop the blood loss from until the handcuffs had been removed and Woodward was rolled onto his back. Fourth, Shawn Hammond's statement indicates that EMTs were able to control the bleeding after Woodward was rolled over. Finally, Hammond's account of the series of actions he performed before witnessing Brian Patno discussing the removal of handcuffs with an officer, described in the *Narrative of Events*, indicates Woodward continued to bleed uncontrollably for a considerable amount of time, perhaps more than 10 minutes.

MISREPRESENTATIONS OF EYEWITNESS ACCOUNTS

There were 18 eyewitnesses present in the sanctuary at the time of Woodward's shooting. Each of them gave statements about what they saw, the great majority on the same day, and a small number the following day. There is a wealth of information in these statements. Taken in total, they present a starkly different account of the shooting than that of the police officers. But Sorrell's report aggressively attempts to reduce these powerful testimonials down to a useless heap of "DIFFERING RECOLLECTIONS."

Wholesale Discrediting of Eyewitnesses Accounts

The report's DIFFERING WITNESS RECOLLECTIONS section opens with a quote reading "The mind picks up some things and shuts off others." The unattributed statement

was taken from the testimony of one of the most elderly witnesses. The attack on witness credibility continues by emphasizing the fallibility of memories and their susceptibility to contamination by the recollections of others, failing to mention that witnesses deliberately avoided discussing the incident before completing their statements.

The report cherry-picks some of the most unrepresentative and discrepant statements from the extensive body of eyewitness evidence and presents them as representative in order to conceal the agreement that characterizes the evidence as a whole. Noting that "even deeply held beliefs as to what happened can turn out to be wrong," the report exhibits the outlandish misperceptions that the officers picked up and moved Woodward's fallen body, and that seven minutes passed in between the first and last shot, to suggest that eyewitness perceptions simply cannot be trusted.

On May 30, 2002, Mr. Sorrell was the guest of a radio call-in show on Vermont Public Radio, whose topics included the shooting. When confronted by a member of Justice for Woody regarding the lack of corroboration by eyewitnesses for the officers' claim of a charge before the first shot, Sorrell replied:

"This was a very traumatic incident - it happened quickly and ... the mind ... can play tricks. Uh, and that happened here."

Vantage Points Ruse

The report alleges that its process of evaluating eyewitness accounts involved more than just the wholesale dismissal due to the fallibility of perception and memory described above, stating that not all the witnesses were looking at, or had a clear line of sight to Woodward. But it gives no indication of which witnesses were found to have full, partial, or blocked views, except in the case of Michael Italia. In fact the report disregards the accounts of eyewitness who apparently did have unobstructed views without disclosing that fact.

Of particular note are the techniques the report uses to discredit the following troublesome sentence in Tommy Thomas' written statement: "Although there might have been six shots, some after Woodward fell." The report positions the quote immediately after a confused-sounding account by an elderly woman that the police had forced Woodward to the floor before shooting him. Then it immediately follows Thomas' statement with a paragraph about differences in recollections being explainable due to different vantage points, not mentioning that Thomas was standing on an elevated ramp in the right rear of the room, focusing on the action throughout the course of the shooting.

Cloaking of Eyewitness Consensus

The report effectively hides the consensus views of the eyewitnesses about the central facts of the incident, such as that Woodward did not threaten the police.

Since the report disregards the testimony of most of the eyewitnesses with the generic justification that many looked away or had partially blocked views, let us examine the statements of only those witnesses who were looking at Woodward at the moment of the first shot, and whose statements indicate they did not have any obstruction to their view. There are six such witnesses. A detailed accounting of the manner in which they stated that their view was focused on Woodward and unobstructed, can be found in the *Narrative of Events*.

Norman Hunt: "There was no threatening done. I mean, he did not threaten anybody except himself. I didn't see him point it at any time except to his own eye."

Jane Worley: "I didn't see him move toward anybody else. Like I said, the knife got closer to his right eye ... He made no threats to the officers. He made no threats to anyone else."

Adelbert Ames: "Not that I saw, I would have remembered, I think, if he had turned in any aggressive way, and threatened them."

Tommy Thomas: "I would not say that he threatened them. He was always threatening himself, threatening to harm himself. He wasn't coming at them with the knife like this. The knife was always pointed toward himself."

Polly Wilson: "At the time of the first shot, he was standing to the left hand side of the lectern. At the time of the first shot he had a knife towards his own eye. He looked defensive, not offensive, if you know what I mean by that difference."

Sheri Manning: (when asked what caused the officers to shoot.) "You got me. I think it was the fear factor. I don't know how they were trained. I don't know."

There were four additional witnesses who did have some view of Woodward during that period, and no matter how closely they were questioned, they did not corroborate the Officers' account of a "charge" prior to the first shot. That makes ten witnesses in total who can claim either a full or a partial view of Woodward at the moment of the first shot, and none saw him run forward. The witnesses agree on this point, yet the report has dismissed their statements based on the idea that "People tend to take particular note of different things."

Officers' Accounts Not Scrutinized

Interestingly, the officers' own accounts are not entirely consistent. Officer Parker states the Woodward "ran" at him for a total of approximately twenty feet prior to the first shot. Holbrook recalls a "lunge" of perhaps six feet. Parker does not state at any point that he instructed Woodward to drop the knife, but Holbrook says he heard Parker do so. Parker states he did not say anything after Woodward began his alleged charge, but "just shot", however, Holbrook recalls that Parker "yelled stop." Both of these statements are inconsistent not only with the total eyewitness body of statements, but with each other. Yet the report portrays them as being in complete agreement, and does not suggest that their recollections were subject to any of the many fallibilities attributed to the recollections of the eyewitnesses.

Officer Davies explained that he did not fire his weapon because "there were other people that were in front of me - there was not a direct line of fire." But at no time during his interview was he asked if his view of the proceedings was impaired by these other people standing in the way, nor does the report consider obstructions to his view. His statement corroborating the other officers' account of the "charge" is admitted without question.

The report exhibits a clear double standard between the treatment of the accounts of the officers and those of the eyewitnesses.

Featured Witnesses Selectively Quoted

The report features four eyewitnesses whom it quotes and paraphrases to "partially corroborate" the police account of the shooting: Donna Payne, Janis Chaillou, Jane Worley, and Michael Italia. In almost all cases, the report presents statements or paraphrases from the March interviews, and avoids quoting their December interviews. We will examine statements from all four witnesses relating Woodward's gestures with the knife, and from the two witnesses who addressed Woodward's movements prior to the first shot. Statements on these topics taken from the report are contrasted with statements in their December interviews not included in the report.

Donna Payne

Woodward Shooting Report:

"as recalling Woody making 'some movement with the knife other than at himself', and that according to her, Woodward 'was coming forward with his body, he was not retreating.'"

December third interview:

".. you know, like on his feet kind of moving back and forth kind of like a just like bounding from one foot to the next and I mean like he'd go forward a couple of steps then he'd go backward a few steps, then forward and backward, you know? So he was just in a very small area right basically in the same place, just moving forward and back. Like he didn't know where to go."

Woodward Shooting Report:

"as recalling Woody making 'some movement with the knife other than at himself'"

December third interview:

"OK, just before he was shot he had the knife ..."

"Up, definitely."

"Towards his head?"

"Yup ... yup."

Janis Chaillou

Woodward Shooting Report:

"Chaillou said she did see Woodward make a horizontal swinging gesture with the knife pointed toward the officers but could not be completely sure whether it was before or after the first shot."

December second interview:

"After the first gunshot I saw his arm swung around. There were several additional shots fired."

"He took the blade and made a gesture towards the officers? He walked toward them or moved toward them?"

"I'll be honest with you. I believe it was after the first gunshot."

Jane Worley

Woodward Shooting Report:

"Woodward was holding the knife in such a manner that the blade was pointed out, and his hand was definitely not up near his eye at the time of the first shot."

December second interview:

"But right after that the gun was out and then came forth the other order, 'drop the knife' and then the shooting ensued."

"Woodward said No I'm not going to, though?"

"The one time. And he wasn't pointing the knife at anyone else. It was only at his eye."

Michael Italia

Woodward Shooting Report:

"Woodward came around the podium towards the police officers before the first shot. Italia recalled that it 'almost seemed like he [Woodward] was taunting the police, fearful but enraged.'"

December second interview:

"The only act of aggression that I could see the last time I had repeating line, direct line of sight with him with the knife that it was held up toward himself."

Woodward Shooting Report:

"given Woodward's level of anger and psychosis ('his intense absorption with his delusions was striking') his movement towards the police with the knife prior to the first shot could reasonably have been construed by the officers as threatening."

December second interview:

"Did you ever see him point the knife at the Officers?"

"No."

"Did you ever see him point the knife at you or other members of the congregation?"

"No."

Disingenuity About Process

Given the above analysis, consider the following claims the report makes about the standards it used in evaluating the evidence.

"When possible, we put emphasis on photographs and other forensic evidence obtained at the scene."

"We gave particular weight to statements made just after the shooting, certainly within 24 hours of its occurrence."

"In other respects, we paid extra attention to statements that uniformly seemed most consistent with the weight of the accounts of the other eyewitnesses."

In each case, the report claims to use a standard which it does not appear to employ. The report claims to put emphasis on forensic evidence without presenting it, give particular weight to statements close to the shooting without using them, and pay extra attention to the consistent body of statements while concealing it.

UNSUPPORTED CONCLUSIONS

The principal conclusions of the report appear to be designed not only to exonerate the officers but preempt criticism of official actions which might point out the need for reforms such as improvements in police training. Our analysis using only the limited evidence that the Attorney General's office has released, supplemented by our limited investigative efforts, shows that none of the key conclusions of the report are justified in light of this evidence. Summary descriptions of those conclusions are listed here with references to the portions of this analysis that address them.

"Psychotic," "Threatening," "Suicidal" State

The characterizations of Woodward's mental state and church-members' reactions takes up the majority of the report. The speciousness and irrelevance of these themes to the justification for the shooting is treated in the *MISREPRESENTATIONS OF WOODWARD'S ACTIONS AND INTENTIONS* section of this analysis.

Request to Drop Knife

The description of Officer Parker's instruction to Woodward to drop the knife as a request in the *DETAILED FINDINGS OF FACT* suggests negotiation. Eyewitness evidence to the contrary is summarized in the *MISREPRESENTATION OF POLICE ACTIONS* section of this analysis and *ONE MINUTE FROM POLICE ENTRANCE TO THE FIRST SHOT* section of the *Narrative of Events*.

Forward Motion Before Shots

The finding that Woodward made a forward motion before the shooting began is difficult to evaluate given its vagueness. If the motion was merely the motion of his hand not holding the knife, then it would at least be consistent with the body of eyewitness evidence. If it were an advance as described in the *SUMMARY FINDINGS*, then it would contradict much of the evidence described in the *MISREPRESENTATION OF EYEWITNESS ACCOUNTS* and in the *WOODWARD'S KNIFE WAS POINTED AT HIMSELF IN THE MOMENT BEFORE THE SHOOTING* section of the *Narrative of Events*.

All Shots Before Fall

The finding that Woodward received all of the shots before he fell is advanced without any evidentiary support. The *Final Shots* part of this analysis addresses the problems with this claim.

Prompt Medical Attention

The finding that Woodward received prompt medical attention implies that his medical care was not interfered with by the police. Evidence to the contrary is briefly addressed in the *Medical Assistance* subsection of the *MISREPRESENTATION OF POLICE ACTIONS* section and in the *WOODWARD WAS HANDCUFFED WHILE HE BLED* section of the *Narrative of Events*.

CONCLUSION

The eyewitness statements form a consistent account of events which are contradicted only by police claims. What few eyewitness statements differ from the consensus account are carefully culled by Attorney General Sorrell from interviews of witnesses whose accounts otherwise match the consensus view of events.

Close inspection reveals Sorrell's report to be a carefully constructed facade resting on the foundation of the officers' accounts, buttressed by those carefully culled statements.

Through a brilliantly crafted deception, The Attorney General of Vermont makes a mockery of his responsibility to seek the truth in this matter. By misdirecting public resources in an attempt to short-circuit the justice system, Sorrell attempts to shield himself and the officers from accountability.

The Need for Reform

The death of Robert Woodward and the subsequent reaction by authorities demonstrate the need for reform in criminal justice system of the State of Vermont. Justice For Woody recommends that any reforms address the twin goals of preventing the unnecessary use of deadly force by police and establishing effective standards and mechanisms of accountability when killings do occur.

The unnecessary killing of Robert Woodward reveals the need for improved police training and oversight. Justice For Woody recommends that communities undertake a thorough review of their police training, tactics, and supervision policies in order to better prepare police for situations in which officers come into contact with distraught individuals.

The inadequate investigation and biased exoneration of Robert Woodward's killers indicates the need for mechanisms which hold police accountable for actions which result in injury or death. Justice For Woody recommends the institution of a policy mandating that all police shootings be reviewed by a body which is both independent of the Vermont Law Enforcement community and empowered to bring forth legal action when appropriate.

A Portrait of Woody

Woody was a caring, creative man with an inquisitive, contemplative mind, and a gentle, playful and kind spirit. He had a precious and contagious cackling laugh, and an uncanny ability to help others to watershed petty grievances and life stressors, rising above their judgments of others. Most of all, he was a devoted friend and mentor, deeply touching many lives in myriad and thoughtful ways. Some of Woody's trademarks were his delightful laugh, his brilliant mind, his amazing ability to actively listen, his intense desire to not succumb to rampant consumerism, being an avid animal lover, making people feel happy, and his sincere interest in others. His ability to relate and be of assistance to people of all ages and walks of life has inspired many of his friends and family members to emulate him in the various ways that we live our lives.

Woody was an enthusiastic nature lover, balancing social time with time in the great outdoors, often seeking inner peace by climbing a mountain, camping deep in the forest, walking in silent meditation with a close friend, or running off into a beautiful sunset...often with our dog Sparkey at his side. With Woody being like a brother to me - to us - he was the one and only honorary uncle to our son, Rene'. He was a best friend, an intimate part of our family, and a lifelong devoted companion.

Woody's intellect and genuine interest in others shined in how he interacted with children, the elderly, teenagers, friends, and strangers. His unique and creative brilliance manifested through his writing, colorful drawings, and in the puzzles and mazes, riddles, treasure hunts, maps and homemade games he created for our son over a span of 15 years.

Woody thrived on natural highs from good clean fun. He did not use drugs, not so much as a cup of coffee or a glass of wine. He loathed smoke of any kind...he did not believe in distorting the mind; he practiced meditation with the aim of clarifying his mind, refining and enhancing his impact on this world. At parties, he was never the one to have a beer in order to have fun; rather, he was always the one to initiate dancing or playing charades - two of Woody's favorite things - and he was darn good at them too, and at helping to bring out those who felt too shy or inept to participate. Woody always had a special knack for making people feel good about themselves to such an extent that they'd stretch beyond their limitations. This was one of Woody's special gifts and the world is truly a grayer place without him.

Woody had the courage to follow his heart and honor his deeper nature, his inner callings. He was determined to follow his own path in life, which allowed him to embrace life with an adventurous spirit and a determination to live a more environmentally low-impact lifestyle. By doing so, he had more of himself to give. As any of us would attest to you, Woody was incredibly generous with his time, his attention. He would slow us down; help us to take a long deep breath from the hustle and bustle of modern life. He created his own communities of friends in various New England states to whom he was loyal over the years, while avidly making new friendships and connections wherever he fared. Wherever he would live or visit, if there was a friend in need, Woody would respond to the call. He was always there for us, with us, and we counted on him being around, as did the many children and teens he played and worked with. So many kids loved him and looked forward to being with him, kids whose lives he was positively influencing, kids who have been tragically robbed of more time with him. Woody figured prominently in our family's long-term plans, and now, sadly, we must move on without him.

The impact of Woody's death continues to affect the whole community. It is not just the loss of one person; it is the loss of all the potential goodness that many people would have felt if Woody had lived. It is a symbolic loss; disheartening and ignoble; needless and tragic; the kind of loss that makes one question the meaning of life when it can be cut short by knee-jerk reactions of violence and fear...especially by those whose job it is to serve and protect our communities.

In his hour of need, as he pleaded and wept for help, Woody deserved better, he deserved to live. At the very least, he could have been allowed to have died with dignity and to have had his basic human rights respected, without inhumanely prolonged and preventable suffering. The men responsible for the needless loss of Woody's precious life are thus far free from any and all accountability by a system steeped too deeply in fear and denial to take a stand and do the right thing. It is not too late for justice to be given the chance that has been so unconscionably denied.

Appendix 1: Chronology of Official Actions

December 2, 2001

State Police impound Woodward's car and search his home.

The shooters are not detained, searched, or drug-tested.

The State Police take written statements and interview church eyewitnesses.

Although many eyewitnesses make statements regarding Mr. Woodward being shot after he fell to the floor, this question is not pursued further by the interviewers.

The State Police fail to perform routine forensic analysis at the crime scene

Woody's shirt in which he was shot is not entered into evidence.

The carpet Woody collapsed on was not entered into evidence.

Blood-spatter analysis was not conducted.

The shooters are allowed to fill out their reports while in the same room, with no supervision.

Acting Police Chief John Martin left for a three-day "previously-scheduled vacation".

December 3rd, 2001

The Shooters are interviewed by State Police Detectives after having conversations in reference to the shooting.

Vermont State Police representatives release a public statement indicating that proper procedures were followed in the shooting (Their investigation will not conclude until April 2nd.)

Early December, 2001

Vermont state officials refuse to allow the victim's family to see or take possession of the body.

The body is returned to the family only after cremation, prior to the family obtaining legal counsel.

An independent autopsy is not performed.

December 12th, 2001

Chief Martin reveals that the officers returned to active duty on December 11th.

The second memorial service for Robert Woodward is held.

Chief Martin releases a few details of the times of events from the 911 and radio calls.

December 13th, 2001

Officials suspend all comment on the case, citing orders from Attorney General Sorrell.

January 6, 2002

State's Attorney Dan Davis recuses himself from the case.

January 20th, 2002

In a community forum on the shooting attended by hundreds, acting Police Chief John Martin defends his decision to return the officers to active duty.

Eyewitness J.B.C. Thomas confronts John Martin, saying that Woodward was shot after he had fallen.

Thomas dies suddenly nine days later.

February 7th, 2002

The shooters assign themselves to desk duty.

It is later revealed that one of the shooters continued to work on armed patrol at the Vermont Yankee Nuclear Power Plant, where he was working overtime in the days prior to the shooting.

March 12th, 2002

Attorney General Sorrell files a motion in federal court to block all discovery by the Woodward family's attorneys.

The family's request to see the knife is rejected despite an offer by the family to abide by a confidentiality agreement.

Attorney General's detectives conduct additional interviews with eyewitnesses. The interviews are not taped, and detective summaries are later presented as evidence in the April 2nd report.

March 27th, 2002

Acting Chief John Martin is named Police Chief. No outside search for applicants is conducted.

March 29th, 2002

A federal judge grants Sorrell's motion to block discovery.

April 2nd, 2002

Attorney General Sorrell holds a press conference to release his report concluding his four-month investigation. The report accepts the account of the shooters while disregarding, minimizing, and misrepresenting the accounts of the eighteen eyewitnesses.

Mid-April, 2002

Attorney General Sorrell releases the eyewitness, police, and emergency personnel statements and interview transcripts, as well as 911 and police call transcripts. Autopsy and ballistics reports are suppressed. Police call audio and 911 audio are not released.

May 17th, 2002

The shooters are returned to full active duty.

July 25th, 2002

At the request of the Civil Rights Division of the Federal Department of Justice, the FBI launches a probe into whether Woodward's civil rights were violated.