

**FINDINGS OF PLYMOUTH COUNTY DISTRICT ATTORNEY TIMOTHY J. CRUZ  
REGARDING OFFICER-INVOLVED FATAL SHOOTING ON FEBRUARY 16, 2020 IN  
BYFIELD, MASSACHUSETTS**

**RELEASED JANUARY 14, 2021**

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The Plymouth County District Attorney's Office and the Massachusetts State Police assigned to the Plymouth County District Attorney's Office have concluded the investigation into the shooting and death of Thomas C. Murray, 31, of Dracut, who was shot by a Massachusetts State Trooper on February 16, 2020.

The shooting occurred in Essex County and the Massachusetts State Police (MSP) Trooper involved was previously assigned to the State Police Detective Unit attached to the Essex District Attorney's Office, therefore the investigation was transferred to Plymouth County to avoid a conflict of interest.

The purpose of this investigation was to determine if the fatal shooting of Murray by an on-duty Trooper, constituted a criminal act or was a justified and lawful use of force.

The investigation included a review of the following: state and local police reports, recorded interviews of civilian witnesses and police officers, surveillance footage, photographs, hospital records, the Medical Examiner's report, evidence found at the scene, a video of the incident captured by a civilian witness, information from the Office of the Chief Medical Examiner and State Police Crime Scene Services and Ballistics Unit. The Plymouth County District Attorney's Office additionally retained the services of Cameron Deane, a Certified Force Science Analyst, to conduct an independent review and analysis of the shooting.

**The investigation revealed the following facts:**

In the days leading up to the officer-involved shooting, Murray was involved in a crime spree that became increasingly more violent with each incident.

- On February 13, Murray stole a Toyota Camry from LaGuardia Airport in New York.
- On February 15, Murray stole a \$1,790 jacket from the Burberry store located in the Burlington Mall.
- On February 15, Murray stole an Infiniti in Boston, and later carjacked an Audi Q5 from a woman parked in a Starbucks with her child in North Andover, Massachusetts.

- On February 16, at 6 a.m., Murray, still driving the Audi Q5, was pursued by the Canton Police on Interstate 95 North in Canton, Massachusetts. Murray drove at speeds up to 110 mph, and the pursuit was called off by Canton Police due to public safety concerns. Canton Police identified Murray as the operator of the Audi Q5.
- On February 16 at 2:50 p.m., Murray carjacked a 74 year-old woman who was sitting in her car in Lowell, Massachusetts. Murray ordered the woman out of her vehicle, grabbed her purse out of her hands and left the scene in her motor vehicle, a Subaru Legacy.
- On February 16 at 5:00 p.m., Murray stole a black BMW X5 sport utility vehicle from an auto dealer in Nashua, New Hampshire. Murray used the ruse of being a potential buyer to see the truck's interior. Employees brought Murray to a truck, Murray started the vehicle, and attempted to leave but had trouble putting the truck into gear. Employees intervened and attempted to restrain Murray. At this point, Murray produced a knife and swung it around at employees, slicing one employee in the arm. Murray then fled the scene in the stolen BMW X5, leaving behind the stolen Subaru Legacy at the BMW dealer parking lot.

On Sunday, February 16, 2020, Massachusetts State Police Trooper Steven Buccheri was on-duty, patrolling the Interstate 95 corridor between Danvers and the New Hampshire border in his marked State Police cruiser. On prior shifts, Tpr. Buccheri had obtained information that Murray had been committing carjackings in the area. While parked in a weigh station on Interstate 95 northbound, Tpr. Buccheri heard a dispatch detailing the carjacking incident involving Murray and the New Hampshire BMW dealership. The dispatch reported that a 2020 dark colored BMW X5 had been stolen by an armed man and that an employee had been assaulted with a knife. A follow-up dispatch stated that the BMW was located through GPS, traveling between Boxford and Georgetown, Massachusetts, Tpr. Buccheri's patrol area. GPS notification located the BMW at 17 Central Street in Byfield, Massachusetts, an AL Prime gas station. Tpr. Buccheri observed the gas station from the end of the highway ramp and the black BMW truck with a paper license plate from the New Hampshire auto dealer parked at gas pumps located next to a convenience store. It was now 6 p.m. and the gas station outside lights were on and no one was observed outside of the BMW truck. Tpr. Buccheri, operating a marked State Police cruiser, radioed for an unmarked cruiser to assist. None were available.

At this time, Newbury Police Sgt. Steven Jenkins and Officer Brad Diczno arrived in the same cruiser. The Newbury Police officers advised Tpr. Buccheri that Massachusetts State Police Tpr. Kyle Flanagan was en route. Tpr. Buccheri, Sgt. Jenkins and Officer Diczno made the decision to conduct a felony stop of the BMW X5. Tpr. Buccheri pulled in behind the BMW X5 and Sgt. Jenkins and Officer Diczno parked their cruiser at an angle in front of the truck. Officers activated their blue lights. The police officers observed Murray with his eyes closed and

his head back in the seat. Tpr. Buccheri exited his cruiser and gave verbal commands for Murray to show his hands and shut the vehicle off. Murray immediately put the truck into gear and attempted to go around the Newbury Police cruiser, but instead collided with the cruiser, being operated by Sgt. Jenkins. Murray continued to hit the accelerator and the BMW lurched forward, struck a dumpster and narrowly missed propane tanks stored against a fence bordering a nearby home. Tpr. Buccheri again gave verbal commands for Murray to show his hands and shut off the vehicle. Tpr. Buccheri exited his cruiser and approached the passenger side of the BMW, which was still lodged against the Newbury Police cruiser. Tpr. Buccheri began yelling and kicking the passenger side door of the BMW and tried to open the passenger side doors, but they were locked. Murray was observed looking around in an attempt to flee in the vehicle. Murray reversed direction in the BMW and backed into the MSP cruiser. The Newbury Police officers both reported hearing Murray yell, "I have a gun!" at least two times.

At this point, Tpr. Buccheri heard a Newbury Police officer yell, "He has a gun!" Tpr. Buccheri drew his firearm and once again made verbal commands identifying himself as a Massachusetts State Police Trooper and requesting Murray to surrender. Murray continued to keep his foot on the truck's accelerator. In response, Tpr. Buccheri fired his service weapon once. Murray was struck in the shoulder and the BMW stopped moving. Tpr. Buccheri immediately radioed two calls for a report of shots fired, and requested medical aid for Murray. While they awaited the arrival of emergency medical personnel, Tpr. Buccheri and Sgt. Jenkins performed lifesaving efforts on Murray. He was transported to Anna Jacques Hospital in Newburyport, where he was pronounced dead.

Evidence recovered at the scene included one shell casing recovered from the ground, and a black handled knife, located on the driver's seat inside the BMW truck. Tpr. Buccheri, Sgt. Jenkins and Officer Dicenzo's firearms were taken from the scene and examined by ballisticians. Ballistics evidence revealed that the projectile recovered from Murray's shoulder was fired from Tpr. Buccheri's firearm.

An autopsy was conducted at the Office of the Chief Medical Examiner by Janice Grivetti, who determined that the cause of death was a gunshot wound to the upper extremity. The Medical Examiner tested and found that Murray had high levels of Amphetamine and Methamphetamine in his system.

The Plymouth County District Attorney's Office retained the services of Cameron Deane, a Certified Forensic Science Analyst, who focused his independent evaluation on "whether Trooper Buccheri conducted himself in a manner consistent with the training guidelines set forth by the MSP, the Municipal Police Training Committee, the policy and procedures of MSP, and legal constitutional standards regarding police use of force."

In in his evaluation, Deane found that the shooting was a proper use of force. “Trooper Buccheri reasonably believed that Mr. Murray constituted a lethal threat to himself and others.” Deane also opined that there was a “...reasonable belief that it was more likely than not Mr. Murray would resort to deadly force to resist or evade capture.”

## **CONCLUSION**

Based upon the facts presented, the case law pertaining to the use of deadly force necessary to defend oneself or others, and the independent evaluation of a Certified Force Science Analyst, our office has determined that the force used by Tpr. Buccheri in this incident was appropriate and lawful.