*Forensic Evidence & Investigations*

*Lewis Gordon*

[*Forensiclg@gmail.com*](mailto:Forensiclg@gmail.com)

*(413)896-9729*

My name is Lewis H. Gordon, of Forensic Evidence & Investigations, where I provide consultant forensic science services throughout the United States in case analysis, trial preparation, and post-trial strategy, in the area including, but not limited to; ballistics/firearms’ examination and crime scene reconstruction, including shooting reconstruction. My curriculum vitae is being submitted, which outlines my credentials including a Masters of Science in Forensic Science from the University of New Haven, as well as a Juris Doctorate from Western New England School of Law.

**Objectives**

I was contacted by Mr. Gordon Spencer, Esq., counsel for Mr. David Yarde, a Defendant who was convicted of second degree murder and unlawful possession of a firearm, in connection with the shooting death of a Mr. Deandre Russ (“Mr. Russ”) – a person who was shot and killed outside an apartment building located at 1050 Tremont Street in Boston, MA on October 28, 2012. Attorney Spencer has requested I review and analyze materials from a shooting incident from: i) a perspective of reconstruction, as well as from: ii) a firearms examination perspective. These materials included pre-trial discovery, trial transcripts and subsequent reports from other experts.

With respect to an approach involving shooting incident reconstruction, I was asked to review the series of events leading up to this shooting, and attempt to determine whether Mr. Yarde could have been the shooter in his last known position, or in the alternative, determine whether Mr. Yarde could have moved to a location where he could have been the shooter, based upon the time constraints the evidentiary materials have dictated. From a firearm examination approach, I was also asked to determine if all relevant examinations were conducted and comprehensively presented at trial.

Should additional information become available, I retain the ability to review said new materials and alter my opinions should that be warranted.

**The materials I have relied upon include:**

1. Autopsy report OCME 2012-13065 - 10/30/2012;
2. Dr. Kimberly Springer, OCME trial testimony regarding the autopsy report on Mr. Deandre Russ;
3. Autopsy Photographs of Mr. Deandre Russ;
4. Excerpts of surveillance videos and still frames from cameras located at 1050 Tremont Street, Boston, Ma;
5. Crime Scene sketches and diagrams of the shooting scene, including recovered fired cartridge cases;
6. Sketches and measurements of evidence located at the crime scene by Officer Stephen Moy of the Boston Police Department (“BPD”);
7. Testimony of Officer Mammone, BPD, Detective Doogan, BPD, Detective Zingg, BPD, Officer Coyne, BPD, and John Collins;
8. Expert report of Dr. Jonathan Arden;
9. Expert report of Dr. Elizabeth LaPosata;
10. Expert report of Mr. Michael Garneau, Rampion Visual Productions;
11. Testimony of Detective Tyrone Camper;
12. My own observations, measurements and photographs of the scene taken on November 16, 2020.;

**Factual Evidence**

1. ***Surveillance Video***

There are a number of video surveillance cameras located on the exterior of the building at 1050 Tremont Street. These cameras provide substantial evidence of the events leading up to and immediately following the moment when Mr. Russ was shot and killed. The cameras pan away from the shooting at the instant the shots are fired and therefore do not show the actual shooting. The cameras do however provide a very specific frame of reference, assisting in creating a foundation for determining how the shooting occurred. The January 28, 2019 report of Mr. Garneau of Rampion Visual Productions, details where the cameras are located, and how they work. I have adopted all of the report as the basis for finding the following facts:

1. Camera #14 is located on the column on the east side of the entrance way to 1050

Tremont. It pans a 180 degree area of view. Camera #14 shows the interaction of four individuals near the base of the column that separates the office at 1042 and 1044 Tremont from 2:17:55 to 2:18:03 AM. The time on the camera is one hour behind the actual time which is 3:18 AM. The video shows the victim Mr. Deandre Russ standing on the North (Tremont Street side) of the column. David Yarde and two other individuals are standing on the South side (building side) of the column. (*See exhibit 1 – Still photo and diagram with North, South, East, West directionals*);

1. Two seconds later, at 2:18:02 AM, Mr. Yarde can be seen to move to the west of the

column as Mr. Russ also moves to the west of the column. This is the last time the interaction between Mr. Yarde and Mr. Russ can be seen in any video. (*See exhibit 2 – Still Photo*);

1. At 2:18:03 AM Camera #7 located on the west side of the column 1042/44 shows

Mr. Russ falling to the ground approximately six feet to the west of the column 1042/44. (*See exhibit 3 – Still photos*);[[1]](#footnote-1)

1. ***Autopsy Evidence***

Deandre Russ was transported from the scene to the hospital where he died of major brain injuries. The autopsy was conducted by Dr. Kimberly Springer of the Massachusetts Office of the Chief Medical Examiner. The autopsy revealed that the cause of death was a single gunshot wound to the left forehead which passed through the skull and exited through the right parietal area. Mr. Russ also suffered two perforating wounds to the left thigh and right calf. Dr. Springer also noted that she observed gun powder stippling on Mr. Russ’s face. Dr. Laposata opined that the gunshot wound to the head would cause immediate unconsciousness and collapse.

Dr. Springer noted the distribution of the gun powder stippling had a dimension of “4.5 inches by 6.0”, and determined that the range of fire was on the order of 36 inches. Dr. Springer’s autopsy findings were confirmed by Dr. Johnathan Arden and Dr. Elizabeth LaPosata in separate reports dated January 21, 2018 and January 18, 2019, respectively. Both reports are in substantial concurrence. The opinions of the medical examiners are substantiated by research on muzzle to target distance determination. *See exhibit 4*.

Based upon the same testimony and reports regarding the stippling, relying upon my outlined training and experience to concur with the same, I opine to a reasonable degree of scientific certainty that **the distance from the muzzle of the firearm belonging to the shooter, to Mr. Russ’s forehead was about 36 inches maximum**. I don’t believe that this finding would be in dispute.

1. ***Trajectory Evidence***

Of further note, after review of the autopsy and expert reports, is that the three projectiles which struck and penetrated Mr. Russ were not recovered in his body. The trajectory of the fatal shot to his head was from left to right, front to back, and very slightly upward. The trajectory of the shot to his left thigh was also left to right, back to front, and upward. This information alone has restricted value, as it has very limited application in determining the location of the shooter. This is due to the mobility of the human body and the numerous ways it can articulate and rotate. This is compounded by the fact that the shooter can also vary their position. It is only when the body becomes stationary or when contrasting to very specific facts can valid conclusions as to the location of the shooter be made from the wound path within the body.

***d. Documentation and collection of evidence by B.P.D.***

The Boston Police Department responded to the scene almost immediately. They secured the scene and the Crime Scene Response Unit photographed, measured and collected evidence from the scene. The inventory of materials collected was comprehensive and leads me to believe

that all possible evidence was collected.

The investigation revealed 6 fired cartridge casings located on and near the side walk to the east of the column at 1042/44. The six fired cartridge casings were all 9 mm in caliber and were fired from the same unknown weapon based upon the testimony of Detective Camper.

An analysis of the crime scene measurements of Officer Moy shows that the fired cartridge cases are found some six inches to ten feet north of a line from the north east corner of column 1042/44 and some nine inches to 19 feet east of the same column. *See exhibit 5*. Based upon the photographs of the cartridge cases at the scene it appears they were not damaged post-firing. While Officer Moy’s measurement technique is correct, it is difficult to interpret as it involves triangulation from different datum points. I have converted his measurements and diagrammed the fired cartridge casing (fcc) pattern using a singular datum point and the distance from the datum point on a XY axis. *See Exhibit 6*.

***Review and Analysis of Evidence***

**Ejection Pattern**

When a semi-automatic firearm is fired, the pressure of the recoil of the fired cartridge forces the slide of the gun to open and the fired cartridge case is extracted and ejected.

Ejection pattern analysis to determine the location of the firearm and shooter also has very limited application due to a number of factors which can effect the distribution of the expended cartridge cases. These factors include: a) the specific make and model of firearm; b) the caliber; c) the surface deposited on; and d) the method of hand hold which yields the orientation of the ejection port. In this case the only information known is the caliber being a 9 mm. However, and in this specific factual instance, what assists in narrowing down the possible location of the firearm and the shooter, is the presence of a concrete barrier at the scene. This barrier which is full height and impenetrable by cartridge cases permits some interpretation as to the location of the shooter. Meaning, and where all the ejected cartridge casings were found “East” of the barrier, the location of the firearm and thus the shooter must also have been East, as placing the firearm/shooter “West” of the barrier would have necessarily effected cartridge case distribution to appear “West” of the barrier, as this same obstruction (“barrier”) would have prevented ejected cartridge casings to permeate through it, causing the casings to bounce off the same, reversing direction from “East” to “West”.

As such, and in terms of reconstruction analysis, what makes this case rather unique is the presence of a concrete barrier at the scene. When considering all of the possible permutations of the aforementioned factors, which effect cartridge case distribution, none of them would yield the location of the firearm and shooter on the West side of the concrete barrier where Mr. Russ was located before the fatal shot was fired**. *I can state within a reasonable degree of scientific certainty that the firearm’s ejection port was on the East side of the concrete barrier when the six shots were fired.***

**Projectile Recovery and Impact Mark Documentation**

Despite a thorough crime scene documentation by the Boston Police Department, no intact projectiles were recovered. Bullet fragments found in Mr. Russ’ right calf were unsuitable for comparison purposes. The absence of projectiles or additional fragments combined with the absence of bullet impact marks on the concrete sidewalk indicate Mr. Russ was not shot after falling to the ground. This is further supported by the combination of Dr. Springer’s conclusion that the gun shot wound to Mr. Russ’ left thigh is back to front, and the video evidence which does not show a shooter in the area behind Mr. Russ’ body after he falls.

**Timing of the Shots**

The time required to fire six shots from a semi-automatic pistol varies with the caliber of

the firearm, the type of ammunition, and the skill of the shooter. What is relevant to the analysis and reconstruction of this event is that we know that the fatal shot appears to be one of the first three shots fired, and that the fatal shot took place in under one second. This conclusion derives from the images obtained from the surveillance video, which depict Mr. Russ on the ground and bleeding from the wound to his head within the one second time frame.

**Factual Evidence Summary**

* The victim was shot and killed in the one second between 2:18:02 and 2:18:03;
* Three shots impacted the victim; One to the head, one to the left thigh, and one to the right calf;
* The victim was rendered incapacitated by the shot to his head which occurred within the one second time frame;
* For the fatal shot to the head, the muzzle of the gun was a maximum of 36 inches away from the victim;
* Mr. Yarde’s location at 2:18:02 was at the Southwest (building) side of the column; *See exhibit 2.*
* The victim’s location at 2:18:02 was at the Northwest (street) side of the column, and facing towards the building; *See exhibit 2.*
* At 2:18:03 the victim’s body falls to the West side of the column, with his head resting 6 feet 7 inches from the column, and the victim is 5 feet 7 inches tall. *See exhibits 3, 5, and 7 (excerpt from autopsy report detailing Mr. Russ’ height).*
* The cartridge casings are all found on the North and East side of the column indicating the firearm was discharged on this side of the column; *See exhibits 5, 6.*
* Bullet impact marks were not present at the scene.

Based upon these facts and observations, as indicated at the outset of this report, I have been requested to determine whether: 1) Mr. Yarde could have been the shooter in his last known position (Southwest – building side of the column) – and if not possible, in the alternative; 2) determine whether Mr. Yarde could have moved to a location where he could have been the shooter based upon the evidentiary materials provided to me.

In order to answer the first question, I am only directed under the guise of the location of the respective parties (Yarde and Russ) at their last observed moment in time prior to the camera angle panning away. If the last known location of both parties renders Mr. Yarde as not being the shooter, only then do I move onto the second part of the inquiry. When addressing the answer to the second question, while I am working with unknowns with respect to exact location, I still have guidance with respect to the exclusion of certain locations and limitations with respect to time. For example, we know that the shooter had to have been East of the Column, and the muzzle of any weapon which he held to be within 36 inches of Mr. Russ. Furthermore, and as an additional control factor, the shooting of at least the first three shots had to have occurred in under one second. Thus, and in a more precise manner, the second question requires the analysis of whether (and in terms of time) Yarde could have moved to a location with his weapon at least 36 inches away from Mr. Russ, (and in under one second), where he could have been the shooter.

***Shooting Mr. Russ from Mr. Yarde’s last known position;***

As already determined in the “Factual Evidence Summary”, the victim was shot and killed in the one second between 2:18:02 and 2:18:03, and the last known location of the victim at the most North Western corner (street) side of the column with him facing towards the building, and David Yarde’s last location, was at the most South Western corner (building) side of the column, facing the street (in the direction of the victim). Assuming that both parties did not move within the split second before shots rang out, Mr. Yarde had a visual of the alleged victim, and if he was holding a firearm, he could have raised his hand up with the muzzle of the weapon “plausibly” being 36 inches away from Mr. Russ’ face, and began to fire. However, the ballistics’ evidence in this case would immediately reject this hypothesis. In any of the various possible directions that the cartridge cases could have been ejected being left, right, straight up, down, or any variation of this would have yielded the ejected cartridge casings on the West side of the column, and in positions inconsistent with the actual locations where they were found on Officer Moy’s crime scene sketch. This finding alone renders this hypothesis “impossible”, without even consideration of the trajectory of the entry and exit wounds into Mr. Russ.

***Mr. Yarde moving from his last known position, and with a firearm 36 inches from Mr. Russ, being able to shoot Mr. Russ three times in under a second;***

* 1. At the time of the shooting, while the shooter would be “East” of the column, Mr. Russ’ position would still be “West” of the column.

As aforementioned, due to the mobility of the human body and the numerous ways it can articulate and rotate, the various positions that Mr. Russ could have been at the time the fatal shot was inflicted would be approaching the infinite. Furthermore, entry and exit wounds only become helpful if the body becomes stationary or when contrasting to very specific facts can valid conclusions as to the location of the Mr. Russ’ body. However, and while I am not able to state the exact positioning of Mr. Russ’ body at the time he was shot, I can render an opinion regarding the general placement of his body in relationship to the column. The crime scene diagram (and accompanying legend) indicates the victim’s head was found approximately 6 feet 7 inches to the “West” of the column, and where he is approximately 5 foot 7 inches, and where his body was not fully extended. Further, Dr. Laposata rendered an opinion which indicates that when the fatal blow was administered, it would have caused Mr. Russ to be immediately incapacitated and fall. Based upon the location of Mr. Russ at rest, with his head approximately six feet seven inches to the “West” of the column, along with Dr. Laposata opinion stating that he fell immediately upon being shot, renders me confident in my opinion that Mr. Russ was positioned to the West of the column when he was shot.

Further, and as already explained, the shooter of Mr. Russ would have necessarily been “East” of the column at the time the first three rounds were fired, thus requiring the shooter to position himself further East of Mr. Yarde’s last known position to first: a) be positioned “East” of the column; and then b) move in a northern easternly direction so as to have visual access to Mr. Russ and shoot him while Mr. Russ was positioned “West” of the column (*See exhibit 8 - diagram depicting path of travel*).

b. Mr. Yarde must move to a position North and East of his last known position, with being within a 36 inch radius of Mr. Russ, as he is standing West of the Column, in order for him to be the shooter.

As previously opined, Mr. Yarde could NOT have been the shooter of Mr. Russ from his last known position – which was West of the column. By way of deduction, if the shooter could not have been West of the column, I opine that the only potential location for the shooter would be to the East side of the column, and within a 36 inch radius of Mr. Russ as he is standing to the West side of the column. The only question to further answer is whether Mr. Yarde could have reached such a location, and fired the three shots in under one second.

1. **On Site Documentation**

In order to answer this question, on November 16th, 2020 I visited the scene to view, measure, and photographically document the area. The column appeared unaltered and was measured to confirm its dimensions. In addition, I obtained measurements to determine the shortest distance the muzzle of the firearm would have to travel from the Southern end of the column to intersect a target which was one foot from the Northern end of the column. The one foot starting point from the Northern end of the column was conservatively designated since the precise location of Mr. Russ’ head at the time it was impacted by the projectile is unknown. This measurement is conservative due to the fact that the video appears to illustrate a smaller space between the column and Mr. Russ. A one foot starting point exposes more of a target area which results in a reduction of both time and distance required. The closer Mr. Russ was to the column, the more obstructed he would become requiring an increase in distance and time to produce the shots.

1. **Recreation from on-site documentation**

In order to determine the feasibility of Mr. Yarde moving (north and east) to a location within 36 inches of Mr. Russ and firing three shots within one second time frame, I conducted testing using the measurements obtained at the scene. A sixty-inch-long barrier eight inches thick was constructed and a target was positioned twelve inches from the end of the barrier to the closest edge of the head shape of the target. The image depicting Mr. Russ’ last known position before the shooting shows the front of his left foot on the concrete expansion joint which runs perpendicular to the corner of the West side of the column. There is separation of between Mr. Russ’ forehead and the North East side of the column consistent with width of his left foot or less.

The point of intersection of the location of the potential muzzle at 36 inches with the one-foot measurement yielded a distance of 40 inches to the Southern end of the column and 12 inches off of east side of the column in order to have the target exposed. The full width of the cardboard target (17.72”) was exposed, this is wider than the thickness of a human torso. The additional width of target utilized during testing exposes more available target area reducing target acquisition time and reduces the total time of placing three shots on target. The total height of the target was five feet seven inches. A large stake was placed in the ground at 36”to ensure the muzzle to target distance was consistent with the stippling documented on Mr. Russ’ body.

The testing was conducted with a shot timer that produces an audible tone to start and records the total time stopping at the last audible report of the firearm. The timer also records the time in between shots referred to as“split times”. The documentation and video in this matter did not provide any information related to how Mr. Yarde is alleged to have been carrying a firearm. The video frame preceding the shooting shows Mr. Yarde’s left hand exposed and does not depict his right hand. Since this information is unknown the testing was conducted with the firearm already in hand and fully exposed to reduce the total time required to produce three shots. The act of pulling a firearm from a concealed location would be expected to require additional time in the order of a minimum of a half to a full second or more. The testing was conducted using both a two-hand and single handed hold on the firearm. The starting point was always a single handed hold on the firearm.

The firearm was pointed at the target“point shooting” during discharge, as opposed to using the sights of the firearm“sighted shooting”. This approach was taken also to reduce the total time required to fire the three shots. The targets were addressed from the bottom to the top, consistent with the way a semi-automatic firearm recoils which also reduces time. All testing was conducted with a 9 mm caliber semi-automatic pistol.

1. **Results**

Considering Mr. Russ’s position at the time before he was shot, Mr. Spencer has asked me to test the feasibility of the muzzle of a gun held by Mr. Yarde moving to a location on the East side of the column and within 36 inches of Mr. Russ, taking into account a one second differential from Mr. Yarde’s last known location, which was five feet of the column’s most South Western point, and where Mr. Russ was located on the North West side of the column. *See exhibit 2*.

A total of three attempts were made to produce three shots on target at the known dimensions from the crime scene. Two attempts were with two hands on the firearm while firing and one attempt firing one handed. The times for two handed grip on the firearm were 1.76 and 1.72 seconds. The time for single handed firing was 1.78 seconds. It is my opinion based upon these results that it would be virtually impossible for a person standing in Mr. Yarde’s last known position could: a) travel to a location where Mr. Russ would be visible and within 36 inches; b) raise a 9 mm caliber semi-automatic pistol; and c) fire three rounds in under one second – which is what would have been necessary as directed by the evidence I have been presented with.

1. **The presence of persons, east of the barrier, but with unknown location and distance to Mr. Russ.**

The one factor that could not be accounted for was the presence of a third individual in the area of the North East end of the column. I am aware that trial counsel for Mr. Yarde (Attorney Scully) alleged at trial that Mr. Collins was the shooter and the individual was at the North East end of the column. The identity of the person occupying this space has no relevance from a scientific stand point. All that is known is that in the image isolated by the video expert Mr. Garneau, a person’s foot is identified. The person’s specific location is unknown and therefore cannot be accounted for in this testing. All that can be stated is that the presence of the individual could have obscured, totally occluded Mr. Russ as a target or present no obstacle at all. If the individual was in a position to obscure Mr. Russ as a target, however, this would have added to the total time required to acquire Mr. Russ as a target by some other person moving from Mr. Yarde’s last known position. Since the documentation and record lack specificity on this issue the testing could not address this factor.

All of that said, however, I would opine that if there was a person (Collins or otherwise) already stationed in a position North and East from Mr. Yarde’s last known position, and particularly if this person had a gun, and was drawn at the time the camera panned away, it is a high probability (if not a certainty) that this person would have had enough time to fire three rounds into Mr. Russ, in under one second.

In order to reach this conclusion – the feasibility of firing three shots from a stationary position in a one second time frame from a position closer to the North and West end where Mr. Russ was last depicted in the video before the camera panned away was tested. The same barrier dimensions were maintained as in the first test. The only change was the stake indicating the 36” muzzle to target distance was moved to in front of the target to maintain this distance consistent with the stippling found on Mr. Russ. The starting position of the firearm was exposed and pointed towards the ground and in a two hand hold for stability and reduced time.

The testing yielded times all under a second. My times were .82 and .93 of a second. My associate a Master level shooter in scenario based action shooting competitions and firearms instructor, achieved times of .85 and .88 of a second.

***Conclusion 1***

Relying upon the crime scene diagrams, photographic documentation, video documentation and my own measurements obtained at the scene; Mr. Yarde could NOT have been the shooter from his last known position and Mr. Russ’ last known position – West of the column, for the reasons stated.

***Conclusion 2***

Relying upon the crime scene diagrams, photographic documentation, video documentation and my own measurements obtained at the scene, Mr. Yarde (from his last known position) would have had to move in a diagonal direction (North and East) to a location where the muzzle of a firearm would be within 36 inches of Mr. Russ. Based upon the foregoing facts, information and testing, and my firearms and forensic training and experience; I opine to a reasonable degree of scientific certainty that ***in a one second time frame, Mr. Yarde could NOT have moved to where the muzzle was within 36 inches of Mr. Russ, and discharged a 9mm semi-automatic pistol three times impacting Mr. Russ.***

***Conclusion 3***

A stationary shooter with a firearm exposed, standing in front of a target with 36 inches of separation between the muzzle of the firearm and the target, **CAN** dischargethree shots from a 9mm semi-automatic pistol in less than one second.

***Review and Analysis of Firearms Examination Evidence***

**Cartridge Casings Recovered**

Six cartridge cases were recovered at the scene. All of the cartridge cases were 9 mm in caliber but were from a variety of manufacturers. Detective Tyrone Camper testified that the cartridge cases were from four different manufacturers, Winchester, Speer, American, and Master. Detective Camper further testified that all six cartridge cases were fired from the same firearm.

**Projectiles and Fragments Recovered**

The discovery and trial testimony indicates that no intact or full projectiles were recovered

only two fragments from Mr. Russ’ right calf. Detective Camper testified that these fragments were not suitable for comparison purposes.

**Further Testimony of Detective Tyrone Camper**

Detective Camper, based upon my knowledge of his work, is a very knowledgeable and well respected firearms examiner. My review of his testimony appeared rather forthright – which is illustrated by his response to the following question:

Q. “Now if you have a live round or piece of ammunition that has not been fired in a

weapon, are you able to do much examination with that”

1. “It all depends on what the request is for the examination of that item. If the item is

believed to have been cycled through a weapon I could examine the live cartridge to see

if it had cycling marks from a particular weapon”.

*See exhibit 9 - excerpt from Detective Tyrone Camper’s trial testimony*.

Detective Camper further testified that he did not conduct any comparison examinations of the live ammunition from Mr. Collins’ home.

**Potential Firearms Analysis Examinations**

1. **Cycling Mark Examination**

The six recovered cartridge cases recovered at the scene should have been examined to reveal several types of potentially relevant information. The expended cartridge cases from the scene should have been examined and compared to the recovered unfired ammunition from Mr. Collins’ home at 3 Oakhurst street. The type of comparative examination outlined in Detective

Camper’s testimony regarding “cycling marks”, could have yielded evidence identifying this ammunition to the same firearm that produced the recovered cartridge cases from the scene. There are several types of tool marks and individual characteristics potentially present on the live ammunition and the six recovered cartridge cases from 1050 Tremont street. The live ammunition and expended cartridge cases should have been examined for extractor marks, ejector marks, ejection port marks and magazine marks produced by cycling through the magazine.

**Bunter Mark Examination**

An additional type of examination to identifying the seized live ammunition from Mr. Collins’ home and the recovered expended cartridge case from Tremont street as coming from a common source is a microscopic examination for “Bunter” marks. A bunter is a tool that impresses the information, caliber and manufacturer on the headstamp area of the cartridge case. Due to the wear created during the manufacturing and stamping of the cartridge case individual characteristics can be imparted to the cartridge case. Examination of expended cartridge cases and live ammunition is an accepted practice within the firearms examination field. It is usually of limited relevance due to the large number of cartridge cases that can be produced by a single bunter. In this case it could have exponentially greater importance since there are four different manufacturers. If all four brands of ammunition exhibited individual characteristics from the Bunter marks in common between the expended cartridge cases recovered at Tremont street and the seized ammunition from Mr. Collins’ home it would have substantial relevance to establishing a common source (*See Exhibit 10*).

**N.I.B.I.N Examination**

The documents and trial transcripts do not indicate if the cartridge cases recovered at Tremont street were entered into the National Integrated Ballistic Information Network, “N.I.B.I.N.” Entry of the information from the microscopic examination of the six cartridge cases could have yielded connections to other incidents and individuals. Since I was not provided a copy of the Boston Police Firearms Analysis unit’s file, I cannot confirm if this information was submitted to N.I.B.I.N., and if any evidence from any other incident was determined to be from the same firearm used in this case.

***Conclusions Regarding Firearms Examinations***

It is apparent from the trial transcripts and information provided by attorney Spencer that Mr. Yarde’s trial counsel was alleging that Mr. Collins was the shooter in this case.

Based upon my training and experience in the field of firearms examination I opine that examinations for cycling marks, bunter marks and submission of information to the N.B.I.N. system should have been conducted to corroborate defense counsel’s assertion that the perpetrator was Mr. Collins.

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1. It is obvious that based upon the footage, and opinion of Mr. Garneau, which I adopt, that Mr. Russ was shot in the one second between 2:18:02 and 2:18:03. Further, I obtained the distance of Mr. Russ falling to the ground approximately six feet to the West of the column 1042/44 from the sketch of Officer Stephen Moy and accompanying legend – attached as *exhibit 5.* [↑](#footnote-ref-1)