

ATTORNEY GENERAL'S REPORT

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

April 2, 2002

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toxicology information)**

“ . . . He just charged at Officer Parker.”
Officer Marshall Holbrook

“I am a pacifist, but aggressive action was required.”
Witness in the Church

**“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.”**
**Robert Woodward Statement to
Rescue Squad Member**

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SUMMARY FINDINGS

1. At approximately 10:00 AM on Sunday, December 2, 2001, Robert Woodward, DOB: 3-19-64, interrupted Unitarian Universalist services at the All Souls Church in West Brattleboro, Vermont.
2. Manifesting signs of experiencing an extreme psychotic episode, Mr. Woodward held a folding knife with a 3.5-inch blade to his right eye while threatening to kill himself if people left the service and refusing repeated requests to move to another part of the church complex.
3. Brattleboro Police units were dispatched to the church and, prior to their arrival, were advised by the dispatcher that Mr. Woodward was armed with a knife and had threatened people within the church.
4. Three Brattleboro Police officers entered the sanctuary. Officer Parker approached to approximately 8-15 feet from Mr. Woodward and repeatedly requested that he drop the knife.
5. Mr. Woodward refused to comply with the police requests. When he advanced towards the police with the knife in his hand, he was shot seven times by Officers Terrance Parker and Marshall Holbrook as he continued his forward movement.
6. While receiving the attention of rescue personnel, Mr. Woodward continued making accusations of governmental misconduct similar to those he had earlier uttered from the church podium and repeatedly asked that his apologies be communicated to the officer he had “assaulted.”
7. Robert Woodward, struck by four bullets in the right arm, one in the left arm, one in the abdomen and one in the lower back, died as a result of his wounds at approximately 1:40 PM at Dartmouth-Hitchcock Medical Center in Hanover, New Hampshire.

CONCLUSION

The shooting death of Robert Woodward on December 2, 2001, although tragic, was legally justified.

LEGAL AUTHORITY

Under Vermont’s laws, the Attorney General has the same authority statewide as do individual State’s Attorneys in their respective counties to investigate and prosecute criminal behavior. For several years the Attorney General has exercised this authority to independently review all cases in which death has resulted from a police use of deadly force.

LEGAL STANDARDS

Justifiable Homicide and the Common Law of Self Defense

A homicide is justifiable if it is committed:

. . . in the just and necessary defense of [one's] own life...or...in the suppression of a person attempting to commit murder....

13 V.S.A. Section 2305 (1) and (2). The Vermont Supreme Court has observed:

Our case law requires that self-defense is 'just and necessary' when the defendant's belief of imminent peril and of the need to repel that peril with deadly force is reasonable.

State v. Wheelock, 158 Vt. 302, 307 (1992), citing, State v. Darling, 141 Vt. 358, 361 (1982). The Court has also reasoned that:

The right of self-defense does not require that one be actually assaulted, so long as the defendant's belief that he is in danger is founded on reasonably perceived circumstances.

Wheelock, 141 Vt., at 307, citing, State v. Wood, 53 Vt. 560, 561, 567 (1881). Similarly:

It is not whether the necessity actually existed, but *whether in fact it reasonably seemed so to the respondent, under all the circumstances of the case*, and...the court [properly instructed] "If the circumstances were such as reasonably to lead the respondent to think that he was in danger of being killed or of great bodily harm by an assault from [the victim], he had a right to defend himself...."

State v. Doherty, 72 Vt. 381, 396-97 (1900), quoted with approval, in Wheelock, 141 Vt., at 307 (emphasis added in Wheelock).

GRAND JURY

In Vermont, a prosecutor who is unable to determine whether or not there is probable cause to believe a crime has been committed, has the authority to convene a Grand Jury to hear the evidence and make that determination. Where the prosecutor determines that no crime has been committed, there is no ethical basis for convening a Grand Jury.

In this case, the Attorney General has concluded that no crime was committed. Based on all the facts and circumstances, it was reasonable for Officer Terrance Parker to believe that he was in imminent danger of death or seriously bodily injury as a result of the actions of Robert Woodward. Likewise, it was reasonable for Officer Marshall Holbrook to believe that Officer Parker was in imminent danger of death or serious bodily injury as a result of the actions of Robert Woodward. Therefore, both officers had the right to employ deadly force in order to repel Robert Woodward and to do so until the threat had ceased.

SCOPE OF INVESTIGATION

The Vermont State Police served as the primary investigative agency. The investigation involved dozens of interviews including many of the people attending the church services and every one of the 18 individuals actually present in the room at the time Mr. Woodward was shot, the three Brattleboro police officers, the attending rescue personnel, family, friends and others who knew Mr. Woodward. There are approximately 35 audiotapes of the interviews, the 911 calls and a recording recovered from an answering machine of sounds from within the church just after the last shot was fired.

The Department of Public Safety Crime Lab processed the scene. Lab personnel collected evidence, took video and still photographs of relevant points and objects, and diagrammed the scene. Measurements were taken and the New England State Police Information Network (NESPIN) prepared a near-to-scale depiction. The Crime Lab conducted forensic and ballistic evaluations. Mr. Woodward's vehicle and home were searched. The officers and several eyewitnesses participated at the church in reenactments within days of the incident. The reenactments, done one individual at a time, were to identify or clarify the location of key participants and eyewitnesses at the critical moments during the shooting.

Prosecutors from the Attorney General's Office, including the Attorney General, reviewed all of the voluminous information gathered by the Vermont State Police, conferred with the investigating officers and made several trips to Brattleboro to view the church, to meet with members of the Woodward family and to personally interview 17 church members present at the time of the shooting. Information reviewed included police reports from an earlier shooting incident involving Officer Parker.¹

The Attorney General's Office also obtained and reviewed the involved officers' training records from the Vermont Police Academy and viewed a training video on police interactions with those armed with edged weapons.

DETAILED FINDINGS OF FACT

1. Robert Woodward entered the All Souls Church, located in West Brattleboro, at approximately 10:00 AM on Sunday December 2, 2001. There were approximately 65 persons attending services that day, approximately a dozen of whom were children. Woodward immediately proceeded to the podium with a small duffel bag that he placed on the floor behind the podium. He appeared very agitated and out of breath. Mental health professionals in the congregation described him as being in a 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

¹ The earlier incident involving Officer Parker occurred in 1990 and was reviewed by Windham County State's Attorney Dan Davis. The incident involved Parker shooting a fellow officer during a training exercise. The victim, who was wearing a bulletproof vest, was not seriously injured and the incident was deemed accidental. No criminal charges were filed.

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.

2. Mr. Woodward refused or ignored requests made by several persons that he leave the podium and go to another area of the church complex to discuss his concerns.
3. As concerns about Mr. Woodward's behavior mounted, many people left the room. All the children were removed and Charles Butterfield, the President of the Church, placed a 911 call. The initial report given by Butterfield to the 911 operator included that there was a person who had "gone berserk" and was refusing to leave the church.
4. Mr. Woodward's behavior escalated as people began leaving the room. In response, he took out a folding knife with a 3.5-inch blade, held it to his head and right eye and threatened he would kill himself if people left.
5. Three Brattleboro police officers (Marshall Holbrook, Terrance Parker and William Davies) were dispatched to the scene. En route the officers received updated information from the dispatcher, including that the individual was "making threats towards the congregation," was armed with a knife, was threatening to harm himself and that he was "upset with the police, that he's been threatened by them."
6. Prior to the arrival of the police officers, certain members of the congregation, including psychologist Michael Italia and psychiatric nurse practitioner Jane Worley attempted to engage and de-escalate Mr. Woodward, who, for a brief period of time put the knife back in his pocket.
7. Immediately prior to the police arriving, a member of the congregation entered the room and announced in a loud voice that everyone was to leave. Mr. Woodward's behavior at this point significantly escalated. He again took out the knife and held it very close to his eye.
8. Holbrook was the first officer to arrive on scene. He attempted, without alerting Woodward, to signal the remaining people to leave. Parker and Davies arrived very shortly after Holbrook. The officers entered the sanctuary together with Parker ultimately proceeding up the center aisle, Holbrook proceeding up the left side and Davies taking a position toward the rear. There were at least 18 people still in the sanctuary at the time the police entered.
9. As Officer Parker approached Mr. Woodward, he repeatedly requested him to put down the knife. Mr. Woodward ignored these requests and continued to act in an extremely agitated manner. He was standing and moving about. Parker and Holbrook drew their firearms as they approached the front of the sanctuary. Davies, who continued attempts to get people to leave the room, did not draw his firearm. Mr. Woodward had the knife out in various positions, including at his right eye, continued threatening he would commit suicide. He was moving about, "shrieking" and acting irrationally.
10. Parker positioned himself near the front row center with his firearm pointed at Woodward. At this time Mr. Woodward was in the area between the podium and the Christmas tree, approximately 8-15 feet from Parker. Jane Worley was sitting in the front row on the right side and was approximately 10 feet from Mr. Woodward. There was no object or person between Ms. Worley and Mr. Woodward.
11. Robert 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 and caused him to jerk backwards and to his right.

12. With the knife still in his hand, Mr. Woodward continued to advance in the direction of Officer Parker. Parker shot three more times. Officer Holbrook shot after the first Parker shot. Holbrook shot three times. A total of seven shots were fired, the last six in rapid succession.
13. After the last shot was fired, Mr. Woodward fell in front and to the left of the podium. From his position at the time of the first shot until he fell, he traveled a distance of approximately 15 feet in the direction of and across the front of Officer Parker.
14. Mr. Woodward continued to hold on to the knife after he fell. The Officers pried the knife from his hands and handcuffed him. The handcuffs were removed when requested by rescue personnel.
15. Medical assistance was rendered promptly, first by those present, then by Brattleboro Rescue, which had been placed on standby at a nearby location at the time of the 911 call and entered the church within minutes of the shooting.
16. Mr. Woodward was conscious and able to talk after he was shot. He made many statements that were similar to the ones he had been making earlier at the podium. Mr. Woodward was also heard on the answering machine tape to say that this was a "political assassination" and "murder." He also repeatedly said he wanted to apologize to the officer that he assaulted, and that he wanted them to shoot him. These statements were heard by several medical and law enforcement personnel.
17. Mr. Woodward died during surgery as a result of the gunshot wounds. The autopsy confirms seven gunshot wounds. It also indicates an incision cut on his right eyelid and superficial linear scratches on the right side of his head and face. Analysis of a blood sample taken upon his arrival at the hospital shows 2100 nanog/mL of ephedrine, more than 20 times a normal therapeutic dosage.

DISCUSSION OF FINDINGS

In addition to the three police officers and Mr. Woodward, there were 18 people in the sanctuary at the time of the shooting. Many of them did not actually see the shooting itself for a variety of reasons, such as obstructions to their view, their attention being directed elsewhere or their having turned to exit the sanctuary. The rapid speed and trauma of the event also clearly impacted some witnesses' ability to accurately recall details of the incident, particularly at the moment of the first shot.

Most of the evidence that is central to the details and sequence of events is derived from the eyewitness accounts. All of the witnesses and the three officers who were in the sanctuary at the time of the shooting were interviewed. Most of the witnesses and all three officers provided handwritten statements. Most of the witnesses were formally interviewed that same day. All three officers were interviewed the following day. Many of the witnesses and all three officers participated in individual reenactments to determine, as precisely as possible, their own locations and those of Mr. Woodward and the police officers at the moment of the first shot. The Attorney General's Office personally met with and spoke with all witnesses who were present, except for Tommy Thomas, who passed away in January.

In order to determine whether the use of deadly force was legally justified, the law requires an examination of all the facts and circumstances surrounding the incident.

Set out below is a discussion of relevant facts found during the investigation along with references to a source or sources of evidence supporting particular findings.

Time Period Prior to Police Arrival (Findings 1 – 7)

Robert Woodward entered the All Souls Church at approximately 10:00 AM. According to several eyewitnesses, he immediately proceeded to the podium appearing exasperated and out of breath. At first, many people thought he was engaged in some sort of a dramatic presentation concerning the environment and that his performance was a planned part of the service.

All those present agree that Woodward was, at a minimum, excited and agitated. He introduced himself as Robert Woodward and stated that his friends call him “Woody”. Witnesses described his behavior in various ways, including “ranting and raving,” “upset,” “hyper,” “psychotic,” “deranged” and “insane”. Of particular note are the observations of several members of the church who have had training in the mental health field. Michael Italia, a psychologist, said that Woodward was “rambling incoherently,” and appeared “delusional” from the outset. Jane Worley, a psychiatric nurse practitioner, described Mr. Woodward’s behavior as “clearly psychotic.” Heide Bredfeldt, another psychologist, said he was “obviously paranoid” and appeared to be in a “psychotic break.”

Several people, including the Minister, the President of the Church, Michael Italia, and Jane Worley intervened and asked Mr. Woodward to leave the sanctuary and move to another part of the church complex to address his concerns. He refused to leave and insisted on continuing to speak about various issues. At one point he walked among the congregation passing out blank personal checks on which he had earlier written various messages, including, for example: “I love you all” and “Please have my pers’nn statemet read from the pulpit of every Unitarian church.” (Sic)

Many people became increasingly frightened and several left the room. A decision was made to move all the children outside. 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. At this point in time Woodward had not yet brandished the knife.

Charles Butterfield, the President of the Church, called 911 and told the operator that there was a person who had “gone berserk” and was refusing to leave. Mr. Butterfield, who remained on the line until police arrived, was unable to see what was happening inside the sanctuary, but was updated by others who were monitoring the situation. It is clear from Mr. Butterfield’s conversation with the dispatcher that the situation was serious and was escalating. He requested that the dispatcher send a plain-clothes officer as he was concerned that seeing a uniformed officer would make Mr. Woodward “quite upset”. The dispatcher responded that there was not a plain-clothes officer available and that officers were on their way.

Witnesses inside the sanctuary stated that Mr. Woodward’s behavior got worse as people began leaving the room. In response, he removed a knife from his pocket, held it to his head and eye and threatened he would kill himself if people left. Some people continued to leave out of fear, while others stayed, fearing that if they did leave, he would kill himself. Virtually all eyewitnesses are clear that at this particular point in time Mr.

Woodward was not directly threatening anyone other than himself. Some witnesses later told police they felt threatened in that they could not leave.

During the call Mr. Butterfield provided updated information to the dispatcher that the man now had a knife and was threatening members of the congregation. This information was forwarded to the officers responding to the scene.

Meanwhile, inside the room several members of the congregation were still attempting to calm Mr. Woodward. Jane Worley, a psychiatric nurse practitioner, had moved from her seat to the front row on the right side. 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.

Michael Italia, a psychologist whose wife and son had exited the sanctuary, came from the back of the room to an area near the podium and asked Mr. Woodward how he could help. Woodward and Italia sat on chairs in relatively close proximity to one another. Mr. Italia described himself as “shaking like a leaf” at this point in time. Mr. Woodward indicated that he wanted a phone call or phone calls to be made to vouch for his credibility. A cell phone was obtained and he directed Mr. Italia to call certain people. The first phone call was picked up by an answering machine. Mr. Woodward then provided a second number which Mr. Italia also dialed.²

At about this time, Tom Baehr, another member of the congregation, entered the room and announced in a loud voice: “Everyone must leave.” According to several witnesses, this statement caused Robert Woodward to escalate very rapidly. According to Mr. Italia, Mr. Woodward immediately jumped up from his chair and again pulled out the knife. He again held it very close to his right eye and threatened suicide if people left. Michael Italia, who was the closest to Woodward at this point, got up and slowly began to back away. He described being concerned for his own safety: “I was certainly afraid...It was an unpredictable situation.”

A few seconds later he noticed that Mr. Woodward had a horrified look on his face and he shouted out that “the police are here . . . they’re coming to kill me,” or words to that effect.

Time Period When Police First Arrive (Findings 8 – 10)

Holbrook was the first officer to arrive on scene. He told investigators that as he entered the church he was told by someone that the man was in the sanctuary and that he had a knife and was threatening people. 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.” From the entranceway Holbrook attempted to signal the remaining people to leave.

² Based on the results of the investigation, it is believed that this call was placed seconds before the police entered the sanctuary and that during the shooting the message recording options were playing. The answering machine did begin recording within seconds of the last shot being fired. The tape captures the sounds of Woodward groaning and screaming “political assassination” as well as the voices of various persons in the room attending to him after he is down.

According to Holbrook, people just ignored his instruction to leave. Other witnesses stated some people did continue to leave as the officers entered.

Parker and Davies arrived very soon after Holbrook. The three officers entered the sanctuary. Eyewitnesses confirm that as Officer Parker approached Mr. Woodward, he repeatedly instructed him to put down the knife. According to several witnesses, including Jane Worley (who was then physically closest to Woodward) and Donna Payne (who was located not far from the podium), Parker's initial attempts to get Woodward to disarm were made in a calm, professional manner, with offers to try to help Woodward.

Mr. Woodward ignored instructions to drop the knife and continued to act in an irrational and extremely agitated manner. According to Michael Italia, when Woodward saw the police officers, he was "enraged at their presence" and "the intensity of his anger was high." During this time Woodward was standing and moving about. Italia, remaining concerned for his own safety, kept moving backward and away from the podium area towards the piano. Parker and Holbrook drew their firearms as they approached Woodward. Davies, who continued attempts to get people to leave the sanctuary, did not draw his firearm at any time. According to Davies, the reason he did not draw his weapon was because Officer Parker and members of the church were between him and Woodward, so that he did not feel he could have a clear shot.

Parker positioned himself near the front row center close to the seat occupied by Jane Worley. He had his firearm pointing at Mr. Woodward who was in the area between the podium and the Christmas tree, approximately 8-15 feet from Parker.

The Shooting (Findings 11-14)

Woodward made a forward motion in the direction of Officer Parker, with the knife still in his hand. Officer Parker then fired the first shot striking Woodward. According to all three officers, Woodward made a threatening move with the knife extended towards Officer Parker immediately prior to the first shot. Parker said that Woodward "ran at me with the knife, um, he took the knife from where he had it from his, um, face, um, he had set it, let it go down a little bit and then he just came running at me...he had posed the knife directly at me." According to Holbrook, Woodward had been holding the knife to his own eye, but then moved it "holding it in his right hand with the blade pointed out...and he just charged at Officer Parker." Officer Davies described it as follows: "He [Woodward] changes from holding the weapon up to his head to bringing the weapon around in an aggressive manner and he comes from this location right at Officer Parker."

Several witnesses at least partially corroborate the officers' statements. According to Donna Payne, Woodward at this point had such "wild upper body movement that he's just constantly flinching..." Payne also recalled Woodward making "some movement with the knife other than at himself", just prior to the first shots being fired. She said she was not sure whether he moved the knife from one hand to another, but she "felt like there was some provocation on his part." According to Payne, Woodward "was coming forward with his body, he was not retreating." Ms. Payne stated that if she were in Parker's position just prior to the first shot, she would have interpreted Woodward's movement as coming towards him. She was not surprised by the first shot.

Payne stated: “He [Woodward] was dangerous to begin with; he gave no evidence that he was going to do anything other than harm someone.”

Janis Chaillou, who was seated in the second row on the left-hand side, had a similar recollection. She noted in a written statement made on the date of the incident that Woodward was holding the knife to his head at his right eye, that when the police came in they told him to put the knife down, Woodward was yelling loudly at that point, and he then “came toward them [police]—used knife—threatening.” (As recorded in her handwritten statements.) She then noted that “they [police] shot him once” and that he “kept coming.” In a follow up interview the same day, 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. “I think in the last few seconds that there was concern by the police officers not only for their safety but for safety of the people in the room. Because at that point, I just feel like he was moving forward and I don’t think anyone knew what he was going to do. You know, that and he was so agitated that I don’t know, he seemed kind of, when people get too hyper like that it almost seems like they have more strength than normal and he was over that point and he was moving forward.” Ms. Chaillou in March told the Attorney General that just before the first shot, Robert Woodward was “over the edge . . . shrieking.”

Jane Worley, the psychiatric nurse practitioner seated in the front row on the right side and close to Woodward, said she was concerned for her own life as well as others around her prior to the first shot. She described Woodward as making up and down movements with the knife prior to the first shot. She was looking back and forth between Woodward and the officers. She described Woodward as backing up towards the Christmas tree and the police were now stationary. 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. After the first shot, she noted that Woodward did not let go of the knife. She immediately turned to exit the sanctuary. She headed out the center aisle and ducked to the floor. She later stated: “I’m a pacifist, but aggressive action was required.”

According to Michael Italia, the psychologist who had attempted to engage Mr. Woodward before the police arrival, 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.” Italia said that Woodward kept moving towards the police, and was not moving away from them. At the time of the first shot, the police were between Woodward and Italia, so that his view was partially blocked. 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. Italia believed that the unpredictability of Woodward’s actions caused legitimate safety concerns. “In my years of dealing with psychotic individuals, he was right up there, and he was armed with a knife...He was off the charts.”

As reported by several of the people in the congregation, after being shot once and with the knife still in his hand, Robert Woodward continued to advance. He fell to the floor after the last shot was fired. Although estimates vary, based on the police radio log, the answering machine tape and witness estimates, it appears that approximately one

minute elapsed from when the police first entered the church complex to the time of the shooting.

Post Shooting/Medical Assistance (Findings 15 – 17)

Todd Faulkner, Shawn Hammond, Sally Brunton, Elena Mayo and Brian Patno, all members of the Brattleboro Rescue Squad, along with VSP Trooper David Gerard and Brattleboro Police Officer John Frecette reported that at the church and/or in the ambulance on the way to the hospital, Robert Woodward repeatedly made statements to the effect that he wanted to apologize to the officer he assaulted, that he had wanted the police to shoot him, and that he knew it was not their fault. Such statements tend to further corroborate the accounts of those witnesses who recalled seeing Mr. Woodward move towards Officer Parker immediately prior to the first shot.

Chief Medical Examiner Doctor Paul Morrow has stated that there are many reported cases of high concentrations of ephedrine, such as that found in Mr. Woodward's blood sample, causing psychotic episodes.³

DIFFERING WITNESS RECOLLECTIONS

“The mind picks up some things and shuts off others.” Witness in the Church

It is important to note that certain of the critical findings made herein are not uniformly supported by all of those individuals present within the sanctuary at the time of the shooting. It is reasonable to expect when a group of individuals unexpectedly witness a brief yet intensely traumatic event that observations and recollections will vary as to important aspects of what has been seen and heard. Not all witnesses have the same vantage points to see and hear. People tend to take particular note of different things. Memories fade and can be altered by considering others' recollections of key points. Sometimes even deeply held beliefs as to what happened can turn out to be wrong.

In this case we did not question the veracity of any of the key witnesses. Yet due to some stark differences in recollections between the accounts of different individuals, we were forced to make findings that are simply not consistent with each account we received of the critical moments up to and including the shooting. 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.

³ The Chief Medical Examiner's Office first reported the information concerning the existence of ephedrine in Mr. Woodward's blood on the morning of April 2, 2002. Dr. Morrow had been out of state for the preceding week and his office would not provide the blood screening information until his return. Consequently, this information is added to what had been the final version of this report as initially released to the public on April 2, 2002.

To give just some indication of the contradictory statements we considered, estimates of the lapse of time between the first and last shots ranged from 2-3 seconds to 3 minutes to as long as 7 minutes. One man believes that after the first shot he exited the sanctuary and made a telephone call, only to subsequently hear more shots fired.

On the issue of the police interactions with Mr. Woodward prior to his being shot, several witnesses described sincere attempts to reduce his state of agitation and for him to drop the knife. In the words of one witness, Officer Parker addressed Mr. Woodward in a “very calm, direct voice”. Another remembered him saying: “I’m here to help you. You need to put the knife down.” Eyewitness J.B.C. (Tommy) Thomas, who died some weeks after the shooting, described Mr. Woodward as “genuinely deranged” and described the knife as “a very dangerous looking weapon”. Mr. Thomas related the police attempts to defuse the situation: “They were trying to be reasonable... They were not shouting... all’s I can say is they were trying to calm him down.” Yet another of the men in the congregation described that the police “charged in” and “shouted” at Mr. Woodward. Still another eyewitness stated that she did not hear any conversation between Mr. Woodward and the police before the shooting started.

As for Mr. Woodward’s location just before the firing of the first shot and the location where he fell after the last shot was fired, some of the witnesses were concentrating on the police and not Mr. Woodward, others were exiting the sanctuary to the rear. Of those who reported focusing on Mr. Woodward, a number saw him to the right of the podium near the Christmas tree at the time of the first shot and traveling a significant distance forward to where he fell in front and to the left of the podium. One witness, who on December 2 described such forward movement, now cannot recall that he moved at all in the direction of the police. Others reported that, if anything, Mr. Woodward was retreating backwards when he was shot. Still others said he fell right where he was first shot or moved a distance of not more than 3 feet before his fall. Some related “no idea” how he got to where he fell. One witness who was seated perhaps the closest of anyone to where Mr. Woodward actually hit the floor and was ultimately administered first aid, said there was “no way” he fell in that location.

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. Others felt strongly to the contrary. They discerned no threatening behavior by Mr. Woodward towards anyone other than himself: “Not only did he not threaten anybody, but if it had been anybody but the police, they would have called it murder.” Some witnesses expressed amazement that the police were using live ammunition against Mr. Woodward. One woman, who recently reported that Robert Woodward was standing still when he was shot, had reported on the day of the shooting that the police had forced him to the floor before shooting him: “...so they wrestled him down and he was down on the floor when the shots came.” The late Mr. Thomas, in his handwritten notes, stated: “Although there might have been six shots, some after Woodward fell”

We were able in our findings to reconcile differences in recollections on most essential issues, especially where differences were explainable by reason of some witnesses having a better vantage points than others and by other factors, including forensic and other evidence. In some instances, an individual’s recollection did not square with the weight of the evidence as a whole. In adopting our findings, we intend no disrespect to any of the eyewitnesses to this most unsettling event.

COMMUNITY REACTION

“We have a whole church full of traumatized people.”

Witness in the Church

“A crisis is a crisis and there’s no perfect solution to a crisis.”

Witness in the Church

The unfortunate death of Robert Woodward has caused and continues to cause pain and strife for his family, many members of the Brattleboro community and others. The varying opinions of the events culminating in Mr. Woodward’s death have resulted in some witnesses expressing hostility towards others. Some of the witnesses have expressed that they feel guilty now for what happened and blame themselves for not having been able to help and thereby avoid the outcome that took place.

It is hoped that with the results of this investigation and the decisions made, the healing process for all of those touched so deeply by Robert Woodward’s death can move forward to a better place.

ACKNOWLEDGMENTS

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