

INNOCENT MAN

www.FreeKirkland.com

4/30/11

WRONGFULLY CONVICTED

Sir,

Special to Commissioner William Fitchet

on 4/30/11, I was working my normal shift with Ofc. J. Collins in 2F1. At about 1204 hours, we were dispatched to a barber shop next door to Wheeler's Convenience Store, at 945 State St.. Allegedly, there were two victims of a shooting. While enroute, Ofcs. W. Witherspoon and J. Stern arrived at the scene and reported over the radio that the shooter was a b/m, wearing a black hoody and black pants, was running down Montrose St. towards Burr St.. As this lookout was being given out, Ofc. Collins and I were travelling down Cambridge St.. We did not see anyone in the area running or matching the description. A further lookout stated that the suspect was possibly in a yellow house at the corner of Cambridge and Burr Sts.. Being that there was more than one yellow or yellowish house at the intersection, we did not know which house it was. We sat in the area for approximately five minutes. Ofc. Collins and I decided to go to the barber shop in order to assist Ofcs. Witherspoon and Stern with CPR. As we arrived, Ofc. Collins exited our cruiser and entered the scene to assist. I decided to play the area further, in case the suspect was cutting through back yards. I travelled right onto State St. from Montrose St. and then turned right onto Andrew St.. As I approached Burr St., I heard an officer calling for an immediate assist at the intersection of Cambridge and Burr Sts.. When I arrived I saw Ofc. Gonzalez standing next to the front passenger's door of a gray car with his sidearm drawn. The vehicle was parked half out and half in a driveway on Cambridge St.. Also, getting out of his marked cruiser, was State Trooper Gregorcyzk, who also had his sidearm drawn. Exiting my marked cruiser I drew my sidearm. As I approached the driver's side of the gray vehicle, Trooper Gregorcyzk approached the passenger's side. In the front seat was a b/f. Ofc. Gonzalez came around to the driver's side of the vehicle and pulled the b/f out of the car. I immediately grabbed her and forced her up against a fence. She turned her head to me and said, in a whisper, "He's in the trunk". Ofc. Gonzalez headed to the rear of the vehicle from the driver's side, while Trooper Gregorcyzk went to the rear of the vehicle from the passenger's side. As they positioned themselves in the rear, I moved towards the rear driver's side door. I next saw the trunk of the vehicle open and a black pistol emerge, pointing out towards Ofc. Gonzalez and Trooper Gregorcyzk. I then heard numerous gun shots and either Trooper Gregorcyzk or Ofc. Gonzalez yell, "I'm hit!" I then aimed my department issued handgun towards the trunk of the vehicle and fired through the rear driver's side door window, through the rear window and into the trunk. I do not know how many times I fired. I spun around and found cover behind a tree that was to the rear me and prepared to re-engage if necessary. I realized at this time that the rear of my right hand was bleeding. I did not hear anymore shots, so I approached the rear of the vehicle from the passenger's side. Another officer was standing there with his sidearm out, pointing into the trunk, covering the person, Tamik Kirkland, in the trunk. After ensuring that Mr. Kirkland was now unarmed, we pulled him out of the trunk and onto the ground, where he was handcuffed. Mr. Kirkland was medically attended to by officers until EMT's arrived. As we were pulling Mr. Kirkland out of the trunk, my hands became covered in his blood. By this time, numerous other officer's had arrived. I heard a

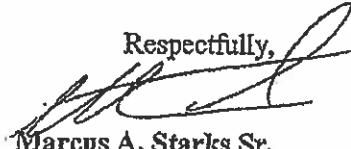
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request for medical assistance to our location over my radio. When enough officers were on scene and had the house surrounded, I was assisted by Ofc. M. Carney, in removing the blood from my hands and covering my wound. After Mr. Kirkland was transported to the hospital, Ofc. Gonzalez and I were transported to the Bay State BR for treatment. Prior to leaving the scene, I turned my sidearm and two spare clips over to Lt. J. Lynch.

Respectfully,



Marcus A. Starks Sr.
Badge #123
68098
Car #59

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Special to Commissioner William Fitchet

Sir,

on 4/30/11 at about 1220 hours, I was forced to fire my department issued handgun, unknown how many rounds, in an attempt to assist Ofc. R. Gonzalez and State Trooper Gregorczyk, who were being shot at from inside the trunk of a parked car that was partially in the driveway of a house at the intersection of Cambridge and Burr Sts.. The driveway is on the Cambridge St. side of the house. The subject shooting at Ofc. Gonzalez and Trooper Gregorczyk is a wanted and dangerous subject, Tamik Kirkland, of 17 Ringgold St.. The vehicle was parked with the front end of it pointing out towards the street. I fired my weapon when I saw Ofc. Gonzalez and Trooper Gregorczyk being fired upon. I was in fear that Mr. Kirkland's actions were putting them and possibly others in risk of death and serious bodily injury. When I fired, I was standing near the rear driver's side door. My shot(s) traveled through the window of this door and the back window and into the trunk. Any brass from my weapon would be located in the area of the driveway and sidewalk.

During the incident, the only officers I saw were Ofc. Gonzalez and Trooper Gregorczyk. Other officers arrived during and after the shooting stopped.

Mr. Kirkland was struck numerous times. It was unknown to me, at the time, the extent of his injuries. He was taken to the Bay State ER.

Witnessing this event was the female who was driving the vehicle that Mr. Kirkland was in the trunk of.

Both, Ofc. Gonzalez and Trooper Gregorczyk, were struck in their bulletproof vests, which covered their chests. I received a minor cut to the backside of my right hand and suffered an unprotected exposure, due to Mr. Kirkland's blood. We all were treated at the Bay State ER.

Respectfully,


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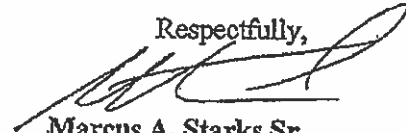
4/30/11

Special to Commissioner William Fitchet

Sir,

I respectfully submit this report to inform you that during the arrest of Tamik Kirkland, I was cut on the rear side of my right hand by broken glass. I also suffered an unprotected exposure, due to blood coming from Mr. Kirkland. I was treated and released by the Bay State ER. Unprotected Exposure Form signed and submitted.

Respectfully,



Marcus A. Starks Sr.
Badge #123
68098
Car #59

INNOCENT MAN

Springfield Police Department
(413) 787-6313

www.FreeKirkland.com

Application for Injury on Duty Status

Division: 210

Employee#: 68098

Bureau/Squad: Sqd B

Starks Sr. Marcus A
Last Name First Name MI

Primary treatment: (circle one) 1-None 2-First Aid Only 3-Personal MD 4. Hospital/E.R.

Name and address of hospital: Bay State E.R Chestnut St

Name of attending physician: Dr. Roxanne Sprague

Location of incident: Cambridge St + Burr St

Body parts injured: Right hand (wound)

Witnesses (if any): Michael J. Carney

Do you believe that your injury is the fault of a third party? (circle one) YES NO

If you believe that your injury is the fault of a third party, state reason: Public protection officer, I tried my weapon to protect them. Glass fragments struck me.

Are you contemplating any civil action as a result of your injury? (circle one) YES NO UNK

Have you retained private counsel? (circle one) YES NO
If YES, Please provide name address and phone number.

Springfield Police Department Rule 31 section in pages 102, 102a and 102b ... Every member of the Department injured in the line of duty shall report to the Chief of Police (Police Commissioner), in writing the name of any person, firm or corporation against whom he has pending any claim and the insurance company, if any, covering the liability of such person. Every member of the Department injured in the line of duty shall report to the Chief of Police (Police Commissioner), in writing, the name of any lawyer retained by them to collect such claim and the name and address of the insurance company against which the claim is being processed. Such reports shall be submitted within one week of the member receiving knowledge of their claim or within one week of retaining the lawyer...

A letter to the Department requesting information on lost wages, without the specific information above shall not constitute compliance with this order. Any member of the Department injured in the line of duty under circumstances which ground a claim for damages against any person, firm or corporation and who received damages therefrom, shall repay the City any indemnification payments for medical or hospital expenses and lost wages in accordance with the provisions of G.L. c. 41 sections 100 and 111F. ...Violations of this rule will be treated as serious offenses...

Were you relieved of duty? (circle one) YES* NO *If yes (date & time) 4-30-11 8P

Please describe the incident and injuries sustained: While firing my side arm at a violent offender glass fragments struck the palm of my right hand.

I certify that the information that I have provided on this form is accurate to the best of my knowledge and I am aware that false statements could result in disciplinary or legal action.

Employee's signature: [Signature]

Commanding Officer's signature and employee #: _____ Date: _____

Complete "Release of Information Form" on reverse side

