

Stacey Hightower
December 30, 2010

Volume I

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Exhibits 1 - 8

UNITED STATES DISTRICT COURT
FOR THE COMMONWEALTH OF MASSACHUSETTS

Civil Action No. 08-11955-PBS

STACEY HIGHTOWER, *

Plaintiff, *

vs. *

CITY OF BOSTON and BOSTON POLICE *

COMMISSIONER EDWARD DAVIS, *

Defendants. *

DEPOSITION of STACEY HIGHTOWER
Thursday, December 30, 2010 at 12:00 p.m.

City of Boston Law Department

City Hall

Boston, Massachusetts

----- Jacqueline P. Shields, RPR, CSR -----

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December 30, 2010

APPEARANCES:

Representing the Plaintiff:

GURA & POSSESSKY, P.L.L.C.

BY: ALAN GURA, Esquire

101 N. Columbus Street, Suite 405

Alexandria, Virginia 22314

703-835-9085 ~ Fax: 703-997-7665

alan@gurapossessky.com

Representing the Defendants:

CITY OF BOSTON LAW DEPARTMENT

BY: LISA SKEHILL MAKI, Esquire

IAN D. PRIOR, Esquire

City Hall, Room 615

Boston, Massachusetts 02201

617-635-4039 ~ Fax: 617-635-3199

Lisa.Maki@cityofboston.gov

Ian.Prior@cityofboston.gov

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I N D E X

Testimony of:	Direct	Cross	Redirect	Recross
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EXHIBITS APPENDED TO ORIGINAL TRANSCRIPT

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1 reserved until trial as well?

2 MR. GURA: Sure.

3 MS. MAKI: Okay.

4 DIRECT EXAMINATION

5 BY MS. MAKI:

6 Q. Can you please state your name for the
7 record.

8 A. Stacey Hightower.

9 Q. Can you spell Hightower, please?

10 A. H-I-G-H-T-O-W-E-R.

11 Q. Thank you. Ms. Hightower, my name is Lisa
12 Maki. I represent the City of Boston in this matter
13 along with Ian Prior. Have you ever been deposed
14 before?

15 A. Yes.

16 Q. So you understand the ground rules, so I'll
17 just quickly go over them. I will be asking a
18 series of questions about this. If for some reason
19 you don't understand my question, please ask me to
20 rephrase it, and I will ask it a better way. If you
21 answer my question, I will take it that you
22 understood what I've asked. If you need a break at
23 any time, please just let me know, I just ask that
24 you don't take a break while a question has not been

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1 to be untruthful, isn't that right?

2 MR. GURA: Objection. Calls for
3 speculation.

4 A. I don't know who found me to be untruthful,
5 that's what I'm saying. Maybe this is a coverup.
6 Maybe the Boston Police Department decided to send
7 this out to everybody so that they could cover their
8 own butts from a lawsuit from Mr. Reddick.

9 Q. Okay. Let's move on. Prior to you
10 resigning from the Boston Police Department you
11 applied for a renewal of your license to carry; is
12 that correct?

13 A. Yes.

14 Q. Okay.

15 MS. MAKI: Please mark this as the next
16 exhibit.

17 (Exhibit No. 6, marked; License to carry
18 firearms worksheet, BPD sworn only.)

19 BY MS. MAKI:

20 Q. I'm handing you Exhibit 6. Do you
21 recognize that form?

22 A. Yes.

23 Q. Okay. And in the upper right-hand corner
24 it says "7/9/08"; is that right?

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1 A. Yes.

2 Q. You filled this out. That's the date you
3 applied for your renewal?

4 A. Yes.

5 Q. Is that your handwriting?

6 A. Yes.

7 Q. Okay. Is everything on this piece of paper
8 your handwriting?

9 A. Yes, except these signatures over here,
10 approved by, and over here, police commissioner, and
11 over here on the side right there, that's not my
12 handwriting either. And none of this is my
13 handwriting over there.

14 Q. And you're indicating the first block on
15 the right side?

16 A. None of that's my handwriting.

17 Q. Nothing on the right side is your
18 handwriting. Okay.

19 A. And this isn't my handwriting either, on
20 the left side bottom.

21 MR. GURA: For the record, the witness is
22 indicating her handwriting is on the left side of
23 the page, not including this scribble that's
24 alongside the middle, just inside the left portion

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1 Q. You never heard that?

2 A. No.

3 Q. Is today the first day that you heard that?

4 MR. GURA: Can you be more specific about --
5 it's a vague question. Can you rephrase it? Have
6 you ever found out, I mean, that...

7 BY MS. MAKI:

8 Q. Have you ever learned that question to mean
9 something other than do you have criminal complaints
10 or charges pending against you?

11 A. No.

12 Q. Okay. Okay.

13 MS. MAKI: Let's mark this as Exhibit 7.

14 (Exhibit No. 7, marked; Letter dated August
15 20, 2008.)

16 BY MS. MAKI:

17 Q. Ms. Hightower, I'm passing to you what's
18 marked as Exhibit 7. Do you recognize that?

19 A. Yes.

20 Q. What do you recognize that to be?

21 A. This was a letter sent to me telling me
22 they revoked my license to carry a firearm, sent
23 after I had left the Boston Police Department.

24 Q. Do you know why they were revoking your

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1 firearm?

2 MR. GURA: Objection. Calls for
3 speculation. Best evidence rule also.

4 A. I'm not really sure why they revoked my
5 firearm. I know what this says.

6 Q. What does it say?

7 A. This says that you completed the
8 application form untruthfully and so therefore they
9 revoked my license to carry a firearm. I guess I
10 should have never carried one, I guess, the whole
11 30 days I was still a police officer.

12 Q. So when you saw that your license had been
13 revoked because you had filled out your application
14 form untruthfully, did you know what portion of the
15 --

16 A. Absolutely not.

17 Q. Did you ever contact anybody to find out
18 what portion of the form you had filled out
19 untruthfully?

20 A. No, I didn't. I think my attorney might
21 have.

22 Q. Okay. Who was that attorney?

23 A. Attorney Hightower.

24 Q. Okay. Is that a relation to you?

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1 A. It's my brother.

2 Q. Okay. Turning back to Exhibit 6, now you
3 stated that you know that only Boston Police
4 officers need to fill out this specific form, right?

5 A. You told me that this was a BPD sworn only
6 form and I agreed with you. It says "BPD sworn
7 only."

8 Q. And I think you said that only Boston
9 Police officers need to fill out this form?

10 A. Yes.

11 Q. Do you know why that is?

12 MR. GURA: Objection. Calls for
13 speculation.

14 A. It says "BPD sworn only" on the top.

15 BY MS. MAKI:

16 Q. You don't know why only Boston Police
17 officers have to fill out that form?

18 A. No.

19 MR. GURA: Calls for speculation.

20 BY MS. MAKI:

21 Q. So other than contacting your attorney
22 after you received Exhibit 7, did you do anything
23 else?

24 A. Not that I can think of.

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1 BY MS. MAKI:

2 Q. Ms. Hightower, I think when we left off we
3 were getting ready to look at Exhibit 8. Do you
4 recognize Exhibit 8?

5 A. That's a terrible picture. Am I wearing
6 this shirt? Yes, it's me. Criminal History Systems
7 Board.

8 Q. Did you fill out that application?

9 A. Yes. To the best of my ability I believe
10 I, either I did it or the officer did it and asked
11 me questions.

12 Q. The officer where?

13 A. The officer at the Boston Police
14 Department.

15 Q. Of what department would that --

16 A. On the first floor. Where you apply for
17 license to carry firearms.

18 Q. Okay. On that form, I think it's in the
19 upper right-hand corner, the first line, it says,
20 "Expiration Date." Do you see that, "3/27/2008"?

21 A. Upper right-hand corner of...

22 Q. Of the first page of the application, right
23 under your photograph.

24 MR. GURA: I think there's a sticker right

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1 under the photograph.

2 BY MS. MAKI:

3 Q. Yes, expiration date, 3/27/2008?

4 A. Yes, that's my birthday.

5 Q. Okay. Expiration date for your license to
6 carry?

7 A. March 27, 2008.

8 Q. Okay.

9 A. And it just happens to be my birthday as
10 well.

11 Q. Just a coincidence. If you look to the
12 very back page of Exhibit 8, please.

13 MR. GURA: I know what you're getting for
14 your birthday.

15 BY MS. MAKI:

16 Q. Sorry, the third page, page 3 of 3. Right
17 there. Okay? Is that your signature down on the
18 bottom where it says "Signature of applicant"?

19 A. Yes.

20 Q. And above that it says "Signed under the
21 pains and penalties of perjury this 9th day of July,
22 2008"?

23 A. Yes.

24 Q. Is this the day that you reapplied for your

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1 license to carry?

2 A. Yes.

3 Q. And it had expired four months prior?

4 A. Yes.

5 Q. So for four months you had an expired

6 license to carry; is that right?

7 A. Yes.

8 Q. Why is that?

9 A. Why is that?

10 Q. Why did you go four months without renewing
11 your license to carry?

12 A. I didn't need a license to carry. You can
13 carry on your badge. You can go purchase a weapon
14 on your badge. You can purchase personal weapons on
15 your badge.

16 Q. So your understanding is that you didn't
17 even need this?

18 A. No, I didn't. A Boston Police officer
19 doesn't need a license to carry a firearm. That's
20 something that I want.

21 Q. A Boston Police officer does not need a
22 license under your understanding to carry a
23 personal --

24 A. That's right, they don't.

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1 Q. Okay.

2 A. They can go purchase on their badge.

3 Q. Who told you that?

4 A. I believe the firing range, I found out
5 that from the firing range. Other police officers.

6 Q. Do you know who at the firing range told
7 you that?

8 A. No.

9 Q. Okay. Just to be clear, your understanding
10 is that you don't even need a license to carry, if
11 you're a Boston Police officer, your own personal
12 handgun?

13 A. That's correct.

14 Q. So why do they have these forms?

15 A. So I wanted a license to carry because when
16 you go out of state, it's different. So when you're
17 in the State of Massachusetts, you're in Boston,
18 sure, you can carry on your badge. When you go to
19 another state, rules change. I always want to be
20 safe rather than sorry, if I was carrying a firearm.
21 I just want to make sure my license was good no
22 matter where I go. That's why.

23 Q. So if you weren't traveling out of state,
24 it's your understanding that you didn't need a

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1 license?

2 A. That's right.

3 Q. Okay. When did you first apply to have a
4 license? A firearm license?

5 A. I'm not really sure, however, since it had
6 expired. So I think the first time I probably
7 applied for a license to carry a firearm may have
8 been five years prior to that, 2008. So let's go
9 with 2003.

10 Q. And that's the first time that you ever
11 possessed your own personal handgun?

12 A. I'm not sure when I purchased my first
13 personal handgun. I don't know if it was prior to
14 that or if I got my firearm from another police
15 officer at the police station. So I'm not sure
16 exactly when I purchased that revolver.

17 Q. So you were already a Boston Police
18 officer?

19 A. Yes.

20 Q. Prior to purchasing a gun from a fellow
21 police officer had you owned your own personal
22 handgun?

23 A. No.

24 Q. Okay. And it was your understanding when

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1 you purchased that gun from your fellow police
2 officer that you did not need a license to carry
3 that gun?

4 A. That's correct.

5 Q. Okay. But you applied for a license to
6 carry anyway?

7 A. Yes, I did.

8 Q. Do you remember who you purchased the
9 handgun from?

10 A. No, I can't recall his name.

11 Q. It was a man?

12 A. Yes. He worked B-2. He doesn't work there
13 anymore, though.

14 Q. Okay. Have you ever applied for an FID
15 card?

16 A. No.

17 Q. And, I'm sorry, you said 2003 was the first
18 time that you applied for a license to carry?

19 A. I'm pretty sure it was 2003.

20 Q. And do you know what type of license you
21 got?

22 A. Class A.

23 Q. Were there any restrictions?

24 A. No.

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1 department issue, you can still work, you can still
2 make your money or what have you. It's strategy.

3 Q. Makes sense. Do you have any other reasons
4 for wanting to possess a gun in your home other than
5 self-defense?

6 A. No.

7 Q. What kind of gun did you own?

8 A. I had a .38 Special.

9 Q. Is that a large capacity gun?

10 A. No.

11 Q. What kind of gun is that?

12 A. It's a revolver, five.

13 Q. And did you just have the one?

14 A. Just that.

15 Q. Okay. So two guns, Boston Police
16 Department issued gun and the revolver?

17 A. Yes.

18 Q. Okay. Since the revocation of your Class A
19 license, have you ever reapplied for a gun license?

20 A. No.

21 Q. Why is that?

22 A. Reapplied where?

23 Q. To the City of Boston.

24 A. They revoked my license.

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1 Q. Do you know you have a right to reapply?

2 A. Yeah, sure.

3 Q. You're aware that you can reapply?

4 A. Sure, I can reapply.

5 Q. So you know that, why haven't you done

6 that?

7 A. Why would I? They revoked my license.

8 Q. But you understand that you can go reapply

9 for another one, right?

10 A. Sure.

11 Q. Okay. Why haven't you done that?

12 A. Because they revoked my license.

13 Q. Okay.

14 A. It's a waste of time. Why would I go apply

15 when they revoked my license?

16 Q. So you believe that because they revoked

17 your license you'll be denied if you reapply?

18 A. It's not my belief that I would be

19 necessarily denied to carry a firearm. It's my

20 belief I would be denied a Class A.

21 Q. A Class A, unrestricted license to carry a

22 concealed --

23 A. That's right.

24 Q. You don't want your gun license if you

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1 can't carry it concealed?

2 A. That's not necessarily true.

3 Q. Okay.

4 A. I would like to have my gun license and be
5 able to carry it concealed. I was a police officer
6 for ten years with the Boston Police. I've been a
7 police officer for over 20 years. I've arrested a
8 lot of people, a lot of criminals with very
9 dangerous pasts, drugs, and what have you. You run
10 into people that I've arrested in the past, in malls
11 shopping, what have you. I need to be protected
12 from these individuals who perhaps may remember me
13 or maybe I don't remember them or whatever, but I've
14 lived a very dangerous life and I've arrested some
15 dangerous people, and I would feel a lot more
16 comfortable if I could have a Class A unrestricted
17 license.

18 Q. Okay.

19 A. Specially since Boston Police were the ones
20 who wanted me to live in the City of Boston when I
21 wanted to live elsewhere. So I ended up living for
22 ten years in the City of Boston where I policed, you
23 know the old saying, you know, don't shit where you
24 lay. Well, I shit where I laid. It's not good.

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1 Q. Do you still live in Boston?

2 A. Yes, I do.

3 Q. So you haven't moved out since the three
4 years that you left the Boston Police Department?

5 A. Can't. The market went down. Don't you
6 know? Where you been? Recession, lady.

7 Q. I'm living in the City of Boston.

8 A. Can't sell. The value of the houses went
9 down around me, so I can't sell and get back. The
10 equity isn't high enough. Come on.

11 Q. So back to my original question, which was
12 why you have not applied for your Class A
13 unrestricted license.

14 A. Because I don't feel I'm going to get my
15 Class A unrestricted license.

16 Q. But you haven't tried?

17 A. No, I haven't.

18 Q. And what makes you feel that you wouldn't
19 get it?

20 A. Because of the simple fact that they
21 revoked it already. I mean, if they wanted me to
22 have the license, they would have let me keep the
23 license. I mean, what was all this craziness of
24 taking my license and take my firearm and leaving me

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1 unprotected in a house that already had been broken
2 into while I was a police officer? It's scary.

3 Q. You didn't file an appeal to get your gun
4 license unrevoked?

5 A. No.

6 Q. And you haven't reapplied to get your Class
7 A unrestricted license again?

8 A. No.

9 Q. And you haven't applied to get a Class A
10 restricted license?

11 A. No.

12 Q. Do you have a gun, at least in your home,
13 to protect yourself?

14 A. No.

15 Q. And the reason that you haven't done that
16 is why again?

17 A. Because they already revoked it. They
18 already revoked it. I applied, they revoked it.

19 Q. Okay. But you're aware of the fact that
20 you can still reapply regardless of the fact that
21 it's been revoked, right?

22 A. Sure. If it will make you happy, I will go
23 down there today and reapply.

24 Q. I want you to be safe.

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CERTIFICATE OF COURT REPORTER

I, Jacqueline P. Shields, Registered Professional Reporter, do certify that the deposition of STACEY HIGHTOWER, in the matter of Hightower vs. City of Boston, et al. on December 30, 2010, was stenographically recorded by me; that the witness provided satisfactory evidence of identification, as prescribed by Executive Order 455 (03-13) issued by the Governor of the Commonwealth of Massachusetts, before being sworn by me, a Notary Public in and for the Commonwealth of Massachusetts; that the transcript produced by me is a true and accurate record of the proceedings to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to the above action; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

January 9, 2011

Jacqueline P. Shields, RPR, CSR