



The Commonwealth of Massachusetts

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Randy J. Milou, Esq.
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P.O. Box 1015
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re: Mountain View Drive

Dear Attorney Milou:

I am writing to update you on the investigation into ballistic projectiles that struck and damaged the homes of several of your clients on Mountain View Drive in Belchertown, Massachusetts in 2023 and 2024. As you know, since April 2024, the Northwestern District Attorney's Office has worked in conjunction with the Granby and Belchertown Police Departments and the Massachusetts State Police to determine the source of these projectiles and whether any crimes have occurred. This letter summarizes the investigation and sets forth its conclusions.

Factual Background

Between June 2023 and March 2024, three homes in Belchertown were struck by a total of four projectiles:

- In the first incident, on June 27, 2023, a .30 caliber class projectile struck and shattered a glass door on the west-facing side of a residence at 120 Mountain View Drive. Nobody was injured in the incident; however, around the time this happened, a neighbor heard something "whiz" by her as she stood outside her home directly across the street. The type of projectile recovered from this incident is consistent with having been fired by a high-powered, long-range rifle.

- A similar incident occurred on March 29, 2024, when a .30 caliber class projectile struck and shattered a sliding glass door on the west-facing side of a residence at 147 Mountain View Drive. No one was injured in this incident. Again, the recovered projectile was consistent with having been fired by a high-powered, long-range rifle.
- Within days of the March 29, 2024 incident, a neighbor at 143 Mountain View Drive discovered that a shed on her property had been struck on one or more occasions by two different caliber projectiles, one of them being a .30 caliber class projectile consistent with having been fired by a high-powered, long-range rifle.

The residents of these homes and neighboring homes were understandably shaken by these incidents and voiced their concerns to Belchertown Town officials and the Belchertown Police Department. Residents suspected that the projectiles may have come from the Granby Bow & Gun Club (hereinafter “the Club”) located approximately one mile west on Chicopee Street in Granby. The Belchertown Police Department commenced an investigation, aided by the Granby Police Department and the Massachusetts State Police. In April 2024, the Northwestern District Attorney’s Office joined the investigation and coordinated its direction.

Scope of Investigation

The investigation sought to establish where the projectiles were coming from; who had fired them; whether the homes were struck accidentally, negligently, recklessly or intentionally; and whether any criminal statutes were violated. In terms of potential crimes, the investigation considered: (1) wanton or malicious destruction of personal property, in violation of General Laws chapter 266, section 127; (2) assault by means of a dangerous weapon, in violation of General Laws chapter 265, section 15B; (3) wanton or reckless endangerment of a child, in violation of General Laws chapter 265, section 13L; and (4) discharging a firearm within 500 feet of a dwelling, in violation of General Laws chapter 269, section 12E.

Interviews were conducted with the victims, witnesses, and other persons who were thought to have relevant information regarding the source of the wayward projectiles. Records, photographs, videos and other documentary evidence were gathered from a number of sources, both public and private.

Authorities also sought cooperation from the Granby Bow & Gun Club, which, given its proximity to the neighborhood in question, was considered a possible source for the stray projectiles. The Club’s cooperation was limited. While certain information was provided upon

request, the Club also denied other requests. For example, authorities requested access to the Club grounds for the purpose of taking photographs and measurements, and assessing sightlines from the Club grounds to the homes on Mountain View Drive. The Club refused to allow the police to access their property without a search warrant. But because a search warrant requires probable cause to believe that a crime has been committed—the very question that was being investigated—obtaining a search warrant was not an available option.¹

The investigation was also hampered by a surprising lack of cooperation from fellow law enforcement agencies. Having recovered several spent projectiles, the police sought to examine the weapons that were in use at the Club on March 29, 2024, in the hopes of ruling them in or out as the potential source(s) of the rounds that struck the homes on Mountain View Drive. On that date, the Club was hosting a sniper training class attended by more than a dozen law enforcement officers from agencies in the Northeast. Most of the attendees were members of SWAT teams and other tactical teams requiring proficiency in long-range shooting, and used their department-issued weapons during the March 29 training.

The investigation contacted the police departments whose officers attended the March 29 training and requested access to the weapons fired at the Club that day, for the purpose of test-firing the weapons to permit a ballistics comparison with the spent projectiles recovered from the homes on Mountain View Drive. To alleviate any concerns about these weapons being taken out of service, the Massachusetts State Police Firearms Identification Section (FIS) agreed to expedite the testing and have the weapons returned to the submitting agencies in under 24 hours. Investigators also assured the departments that, absent some evidence that an officer intentionally targeted the homes on Mountain View Drive (of which there was no evidence and seemed exceptionally unlikely), no officer who attended the training on March 29 would face any criminal liability. Despite these assurances, the vast majority of departments refused to relinquish their weapons absent a court order or search warrant.²

¹ The Club's limited cooperation with law enforcement's investigation was at odds with its public pronouncements. See, e.g., Club President Ryan Downing's letter to the Belchertown Selectboard on April 29, 2024 (claiming full cooperation with police investigation, while simultaneously claiming the Club had already ruled itself out as a possible source of the stray projectiles).

² Some of the departments who refused to cooperate with the investigation included: Meriden, CT; North Haven, CT; Cheshire, CT; Middletown, CT; Litchfield, NH; and the Connecticut State Police, among others. Conversely, the Worcester, MA Police Department was fully cooperative and submitted three

The investigation did gain some insight into how the sniper class was conducted from speaking with the owner of the company that ran the training. Sergeant Michael Chauvin of the Hartford, Connecticut Police Department owns and operates Snipercraft Northeast. He was present during the training and ensured that all attendees conducted themselves appropriately and safely, in his opinion. Part of his oversight included accounting for all fired projectiles, meaning they either struck a target or the earthen berm behind it. From speaking with Sergeant Chauvin, it became apparent that there was no intentional or reckless conduct by the sniper class attendees, and that any crimes requiring proof of intentional or reckless conduct could not be sustained.

Findings

Based on all available evidence that was gathered during the course of the investigation, the following findings are supported:

1. The wayward projectiles that struck the homes on Mountain View Drive in Belchertown likely originated from the Granby Bow & Gun Club.

This is a reasonable inference based upon the following facts:

- a. On the very same day that the Club was hosting a sniper training, at which more than a dozen attendees were firing long-range rifles using .30 caliber ammunition, a home was struck on Mountain View Drive by a projectile of the same caliber.
- b. The other two homes on Mountain View Drive that sustained damage were also struck by .30 caliber ammunition, consistent with having been fired by high-powered, long-range rifles of the sort used at the Club.
- c. The homes on Mountain View Drive are east of the Club and in line with one of the range's longer clearings that has targets extending out approximately 500 yards from the Club's upper firing platform:

weapons for test-firing, which resulted in all three being excluded as a possible source of the wayward projectiles.

Ultimately, given the damaged quality of the projectiles recovered from Mountain View Drive, the FIS opined that while exclusions were possible, a definitive inclusion/match was highly unlikely to ever be made. Given that, and the unfortunate lack of cooperation from the police departments in possession of the weapons fired during the sniper training on March 29, the investigation opted against attempting to compel these largely out-of-state-departments to relinquish their weapons through legal process.



- d. Projectiles fired by high-powered, long-range rifles of the sort being used at the March 29 sniper class are fully capable of traveling the roughly one-mile distance between the Club and the homes on Mountain View Drive.
 - e. The three homes on Mountain View Drive that were struck by wayward projectiles all sustained damage on their western-facing sides (i.e., the sides that face the Club).
 - f. There are no reports of homes being struck on dates when the Club was not in use.
 - g. The Club maintained minimal or no backstops behind some of its targets, particularly on the longer-distance ranges. Instead of maintaining backstops with dimensions and materials sufficient to capture and contain any wayward projectiles, the Club seems to have instead relied on the natural upward slope of the terrain. However, this creates a risk that projectiles that miss their intended targets could ricochet and exit Club property.³
 - h. Lastly, many trees in the wooded area beyond the eastern edge of the Club's property are pockmarked with damage consistent with wayward projectiles exiting Club property.
- 2. At this time, there is no evidence of any criminal wrongdoing in connection with the damage sustained by the homes on Mountain View Drive.**
- a. The investigation did not reveal any evidence to suggest that individuals utilizing the Club (or anyone else for that matter) are intentionally firing upon the homes on Mountain View Drive.

³ Due to law enforcement's inability to access Club property in the spring of 2024, the dimensions and condition of any backstops behind its targets at that time could not be determined.

- b. Similarly, there is no evidence that Club members or visitors to the Club are firing their weapons recklessly or negligently.
- c. The Club's maintenance of minimal or no backstops behind some of its targets does not suffice to establish probable cause that any criminal statute was violated.
- d. Although this investigation did not reveal any evidence of criminal wrongdoing, the residents of Mountain View Drive may have other remedies available to them. However, this lies beyond the scope of the criminal investigation and the District Attorney's Office expresses no opinion on such matters.

Conclusion

For the reasons set forth above, the criminal investigation led by the Northwestern District Attorney's Office did not reveal any evidence of criminal wrongdoing in connection with homes on Mountain View Drive in Belchertown being struck by wayward projectiles that likely came from the Granby Bow & Gun Club in neighboring Granby. However, if additional evidence becomes available, the District Attorney's Office retains the right to reopen the investigation.

In the interest of full transparency, and given the considerable public concern and public safety considerations involved in this matter, we are sharing this correspondence with Belchertown and Granby Town Officials, as well as legal counsel for the Club.

Respectfully,



Steven E. Gagne
First Assistant District Attorney

cc: Belchertown Selectboard
Belchertown Police Chief Kevin Pacunas
Granby Selectboard
Granby Police Chief Kevin O'Grady
Martha Dean, Esq.