

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

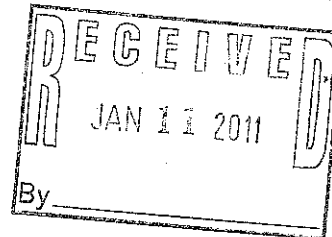
SUPERIOR COURT DEPT  
DOCKET NO. 2010-1303

4/16  
y.c.

COMMONWEALTH

v.

JAMAR LEASTON



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COMMONWEALTH'S STATEMENT OF THE CASE

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Nicholas MacKay couldn't celebrate his twenty-ninth birthday on November 6<sup>th</sup> because he had to get up early for work the next morning, but on the evening of Sunday, November 7, 2010, he and four neighborhood friends from Everett got together to celebrate. They drove into town to buy rum and juice to bring home for a small party. The party never took place; instead, Nicholas MacKay's friends watched in horror as he was brutally murdered on Main Street. Mr. MacKay was attacked two times by the Defendant, Jamar Leaston, a man he did not even know, who interpreted a casual joke, made in passing, as an insult. In the first attack, the Defendant assaulted Mr. MacKay with his fists, and Mr. MacKay fought back. During the second attack, after the fist-fight had ended and the two men had separated and gotten into their respective cars, the Defendant armed himself, walked to the Ford Explorer where Mr. MacKay sat in the front passenger seat, and stabbed Nicholas MacKay through his heart and his abdomen.

Earlier that evening, the Defendant was hanging out with his friend, Warren Wade, at Wade's Everett home. They listened to music, and talked, and "laid a track." They did not use narcotics or drink alcohol. The Defendant told Wade he wanted to buy some Hennessy. Wade and the Defendant got into the

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Defendant's 1992 Toyota Camry and drove to Main Street, pulling up close to the front door of Nana's Pizzeria, which is across the street from the Fernandez Brothers' Liquor Store. When the Defendant pulled to the side of the road, the Camry lost power and the engine died out. The Defendant raised the hood of the Camry and flagged down a passing car, requesting the driver's help in receiving a jump start. The driver agreed to help and positioned his car hood-to-hood with the Camry. The Defendant got jumper cables from the trunk of his car, and started the jump. Warren Wade told the Defendant he was going to get some pizza at the pizza store, and then walked into Nana's and ordered a slice.

Prior to driving to Main Street with his friends, Mr. MacKay joined them at the Everett home of Renee Spaulding. Mr. MacKay, Ms. Spaulding, her brother Jacob Spaulding, and Ken Guzman got into a Ford Explorer driven by Courtney Agresti. The first liquor store they drove to was closed; they remembered the store on Main Street stayed open late on Sundays, and drove there. When they arrived, Ms. Agresti pulled up behind the Defendant's Camry. Mr. MacKay's friends noticed that the hood of the Camry was up. Nick MacKay, Jacob Spaulding, and Ken Guzman got out of the Explorer to go into the liquor store. The women, Courtney Agresti and Renee Spaulding, stayed in the Explorer. As Mr. MacKay started walking from the Explorer, to go past the Camry and cross the street to the liquor store, MacKay's friends saw him stop and have a very brief conversation with a young African-American male, later identified as the Defendant, who was standing near the Camry. None of the friends thought anything was amiss. MacKay appeared happy. No one heard any raised voices or saw any indication of conflict.

Spaulding and Guzman crossed Main Street ahead of MacKay, but he was not far behind. Inside the liquor store, the three men talked about what they were going to buy. Mr. MacKay did not say anything to his friends about the conversation he'd just had with the Defendant. Outside the liquor store, Courtney

Agresti saw the Defendant's face and recognized him as her former Everett High School classmate, Jamar Leaston. They made eye contact and said or gestured the equivalent of "hey, what's up" to each other.

When Warren Wade's pizza was ready, he paid for it and carried it back to the Defendant's Camry, where he got back into the passenger seat. The jump was complete; the hood was down; the car was running. The Defendant was in the driver's seat. However, the Defendant was upset. The Defendant told Wade that a guy had passed by, when the hood was up and the car was being jumped, and said that since he (the Defendant) wouldn't be able to deliver the pizzas, could he get some pizza for free. The Defendant told Wade "that ain't right, that ain't right, he's saying I'm a pizza boy." Wade "didn't think it was a big deal," but when Nicholas MacKay exited the liquor store and started crossing Main Street to go back to the Explorer, the Defendant pointed to Mr. MacKay and said to Wade "that's the dude, that's him." The Defendant called through his open car window to Mr. MacKay, saying "come here; let me talk to you real quick." Mr. Guzman and Mr. Spaulding walked to the Explorer; Mr. MacKay walked over to the Camry and stood by the driver's door. The Defendant said to Mr. MacKay "I don't like the way you called me pizza boy" and talked to him about being offended.

Courtney Agresti and the others in the Explorer saw Mr. MacKay speaking to the Defendant by the Camry. Ms. Agresti drove the Explorer away from the curb, and brought it up beside the Camry, intending to make it easy for Mr. MacKay to get into the front passenger seat, so they could be on their way. The Defendant got out of the Camry and shut his door, aggressively said to Mr. MacKay "want some of this," and then punched him. A fistfight ensued between the Defendant and Mr. MacKay on Main Street, in view of MacKay's friends, of Warren Wade, and of numerous other witnesses in and around area businesses. The Defendant and Mr. MacKay exchanged multiple blows. During the fight, both men removed their shirts, or

had their shirts removed, and both men rolled on the ground, hitting each other. Ms. Agresti pulled the Explorer forward, ahead of the Camry, to the side of the road. Jacob and Renee Spaulding repeatedly yelled for the fight to end. Mr. Spaulding and Mr. Wade eyed each other and had words with each other about staying out of the fight, and letting it be a fair fight. Workers inside of Nana's pizza saw through the window that a fight was taking place; manager Richard Bradway called 911 to report a fight, but also said that he believed the fight was breaking up.

The fight ended. Mr. MacKay returned to the parked Explorer, where he got in and sat in the front passenger seat. The Defendant looked for his phone on the street and the sidewalk (which he had lost during the fist fight), saying "where's my fuckin' phone!? It has a black case." Renee Spaulding helped him look for the phone. (The defendant did not find his phone; it was later recovered at the scene by police.) The Defendant also gathered up clothing he had removed during the fist fight, went back to his parked Toyota Camry, got in his car, and spoke briefly to Wade, who was in the passenger seat. The Defendant was bleeding from the mouth, having lost two teeth during the fist fight. The Defendant said "my teeth, my teeth, oh, he knocked my teeth out, that ain't right, that ain't right." The Defendant got out of the car, holding a weapon in his hand, and shouted "I'm gonna hock this nigga." When the workers inside Nana's pizza saw that the Defendant had a weapon, and was headed toward the Explorer, they called 911 a second time and took note of the Defendant's license plate.

As the Defendant proceeded towards the Explorer, Renee Spaulding, who was in between the two motor vehicles, saw that the defendant was armed, and screamed. She yelled at the defendant to stop, but he kept going, and putting one of his hands around Ms. Spaulding's throat, pushed her up against a wall, yelling "shut the fuck up you stupid bitch." The Defendant continued on to the Explorer and attacked Nicholas MacKay through the open rear passenger door, swinging his arm several times over the seat. The Defendant also attacked Mr. MacKay through the front passenger door, as Mr. MacKay leaned toward the

driver's side, trying to evade the blows. Mr. Spaulding tried to save his friend by banging the front passenger door against the Defendant's body, but the Defendant didn't stop. Mr. Spaulding ran around to the other side of the Explorer to let Mr. Guzman out of the car, so he could help (a child-proof lock prevented Guzman from opening the door). The Defendant then pulled Mr. MacKay out of the car by his legs. Renee Spaulding saw the Defendant pull Mr. MacKay from the car, and screamed out "he stabbed him, he stabbed him" when she saw that Mr. MacKay was bleeding profusely from a stab wound to his chest.

The Defendant fled back to the Camry, yelling to Wade "we gotta leave, we gotta leave." Mr. MacKay stumbled across the sidewalk to the employee entrance of Nana's Pizzeria, where workers let him in and administered first aid in an attempt to save his life. As he drove away in his Camry, the Defendant said to Warren Wade "he fucked me up, he fucked me up, but I got him, yeah, I got him." Jacob Spaulding threw a large can of pineapple juice (just bought at the liquor store) through the driver's side window, hitting the Defendant.

The Defendant heard multiple police sirens in the area and wanted to get away from his car in order to evade capture. Initially he left the Camry on the Bryant Street side of Albion Street; later that night he moved it to a parking lot in Malden in hopes of preventing the police from finding it. The Defendant hid Sunday night at the Everett home of his girlfriend, Christina Maggio. The Defendant hid the following day at the Charlestown home of one of Maggio's friends, and hid Monday night at the EconoLodge Hotel in Malden, in a room paid for by Maggio, who registered under a false name. Investigation and surveillance by members of the Massachusetts State Police, the Everett Police Department, and the Malden Police Department led to the apprehension and arrest of the Defendant on Tuesday morning, November 9, 2010.

Members of the Massachusetts State Police Crime Scene Services Unit processed the scene of the crime, including the street and sidewalk in front of Nana's Pizzeria, and the interior of the Ford Explorer.

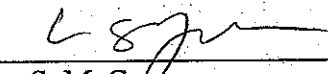
Samples of apparent blood stains were submitted to the state laboratory for analysis. Multiple witnesses were interviewed and provided oral and written statements to police. Surveillance videos from the liquor store and the pizzeria corroborate aspects of the witnesses' accounts. The murder weapon was not recovered. At least two witnesses to the murder, who were both in close proximity to the Defendant after he armed himself, described the weapon the Defendant used as looking like a very long screwdriver. Other witnesses to the murder, who watched the Defendant from a greater distance, described the defendant as holding a knife.

This statement is a brief overview, provided to assist the court. It is not intended to be a bill of particulars nor does it contain all information known to the Commonwealth at this time. The defendant stands indicted on two counts: the first degree murder of Nicholas MacKay, and assault and battery of Renee Spaulding.

RESPECTFULLY SUBMITTED  
FOR THE COMMONWEALTH

GERARD T. LEONE  
DISTRICT ATTORNEY

By

  
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