

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
DOCKET NOS. 2581-CR-0251-002

COMMONWEALTH

v.

KEVIN LINO

COMMONWEALTH'S STATEMENT OF THE CASE

Now comes the Commonwealth in the above-captioned matters and submits this Statement of the Case. This statement is provided to assist the court and is not intended to be a bill of particulars, nor does it contain all information known to the Commonwealth at this time.

Douglas Leon Clarke, who often went by the street name “Rage,” was 30 years old, homeless and living in Cambridge, Massachusetts at the time of his death. On August 2, 2012, Cambridge Police received a report of a man apparently unconscious in the area of 975 Memorial Drive, on the Cambridge-side bank of the Charles River. The victim, identified as Douglas Leon Clarke, was known to police as someone who had struggled with drugs and alcohol over his lifetime. Toxicological examination of the victim’s blood revealed the presence of a substantial concentration of morphine, as well as codeine, ethanol and gabapentin (an anticonvulsant medication). The Office of the Chief Medical Examiner concluded that the manner of death was accident, a fatal overdose that was the result of acute and chronic substance abuse.

Not until more than six years later did police first uncover, while working on an unrelated investigation, evidence that Clarke's death had not been accidental. In a Mirandized, recorded interview, Kevin Lino admitted to State Police investigators that in 2012, when he was 25 years old, homeless and also living in the Harvard Square area of Cambridge, he had poisoned the victim with a so-called "hot shot" – giving the victim a quantity of heroin of sufficient strength to cause a fatal overdose.

In the interview, Lino explained the motive for the poisoning. By his own description, Lino was, in 2012, the leader of a group of homeless people who gathered by the Harvard Square MBTA station, in the area sometimes known as "The Pit." Lino explained that he had been advised by a Cambridge Police Department officer that the greater Cambridge community was becoming frustrated with the frequency with which hypodermic needles were being found in community parks and playgrounds, and that the homeless community would need to take steps to police the conduct of their own heroin-using members, or they should expect more aggressive scrutiny from the Cambridge Police.

Lino explained that after the conversation with the Cambridge Police, he took it upon himself to drive out heroin-using members of the homeless community, including by assaulting many of them throughout the day with what he called his "stomp team." He described a confrontation with a particular member of a rival group of homeless people, who he identified as using the street name "Rage," and who he described, using a racial slur, as an African-American male. Lino described with particularity certain tattoos on his victim's body, which were consistent with tattoos observed on Clarke's body during the autopsy proceeding. Lino described how during their confrontation, "Rage" taunted him,

telling him that the next day he (“Rage”) would receive his public assistance check and would “throw a bunch of needles in the ... park.” Lino then told “Rage” he would “end up fucking dead.”

After the confrontation defused without further violence, Lino described how he resolved to punish “Rage” for his insolence by poisoning him. He described that he later approached “Rage” with an offer to resolve their dispute (“squash everything”) and that he offered “Rage” a quantity of heroin that he knew was “more than he could take,” and would cause an overdose. Lino described that after he observed the victim inject himself with the “hot shot,” Lino left the scene, but that he knew that the victim did not survive. Lino told police that “Rage” was the only person he had ever killed using this particular method, and that he chose this method to avoid attracting attention from law enforcement.

Respectfully Submitted
For the Commonwealth

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