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**SJC AFFIRMS MURDER CONVICTION IN SHOOTING DEATH OF
MIDDLEBORO WOMAN**

BROCKTON – The Massachusetts Supreme Judicial Court today affirmed the the first degree murder conviction of Thomas Buttimer for the 2013 murder of Norma DesRoche, Plymouth County District Attorney Timothy J. Cruz has announced.

On July 12, 2013, at approximately 12:03 am, police responded to a 911 call from a man at 174 Highland Street who reported that he had found his wife, 65 year-old Norma DesRoche, on the stairs, bleeding and non-responsive. Middleboro Fire were first on scene and were inside the home gathering information when Middleboro Police Sergeant Joseph Perkins stepped out of the home to call for backup. At that same time, Buttimer appeared from a nearby wooded area and pointed a rifle at Perkins. Perkins ordered Buttimer to drop the rifle several times before ultimately shooting and subduing Buttimer.

DesRoche was taken to Tobey Hospital where she was pronounced dead a short time later. The state Medical Examiner determined her cause of death to be a single gunshot wound to her chest.

In November, 2015, Buttimer was convicted of murder in the first degree and sentenced to serve life in prison without the possibility of parole, and he was additionally sentenced to serve 18-20 years in State Prison to run concurrent on a charge of Armed Assault with Intent to Murder. He was also sentenced to serve one year in the House of Correction on each of the three Firearms Possession charges, and sentenced to serve four to five years in State Prison for the charge of Assault and Battery with a Deadly Weapon.

At trial, jurors heard that a search of the home revealed that Buttimer used a shovel to break into a gun safe located in the basement. Three rifles had been removed, including the rifle that Buttimer used to fire the fatal shot at Mrs. DesRoche and point at the Sergeant Perkins.

The defendant's appeal to the SJC focused on the sufficiency of the evidence and operability of firearm. Buttimer contended that the evidence was insufficient to sustain his murder conviction because it did not connect the projectile that killed DesRoche with the casing fired from the rifle. Buttimer also contended that he should not have been convicted for assaulting first responders with the rifle because the rifle was not operable at the time and the judge gave conflicting instructions to the jury during the trial.

The SJC held that "...there was no reversible error. The evidence was sufficient to prove that the defendant shot and killed the victim with a '.22 caliber class projectile' fired from a .32-.40 caliber Winchester rifle. We also clarify that a firearm or other gun need not be operational to prove either assault by means of a dangerous weapon or armed assault with intent to murder." With regard to the jury instructions, the SJC found that "in these circumstances, there was no substantial risk of a miscarriage of justice due to the erroneous instruction."

"Norma's supporters filled the courtroom for the trial of her killer," DA Cruz said. "Today's SJC decision reinforces the fact that justice was done in this senseless murder of a mom, wife, sister, grandmother and nurse."

The case was prosecuted by Assistant District Attorneys Jessica Kenny and Josh Gedraitis and was investigated by State Police Detectives assigned to the Plymouth County District Attorney's Office and Middleboro Police. Assistant District Attorney Nathaniel Kennedy handled the case on appeal.

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