

**NYSBA
Young Lawyer's Section
Trial Academy**

**"Evidence, Foundations
and Objections"**

ATTACHMENTS

Nicholas J. DeMartino
Green & Brenneck
100 Madison Street Tower I - 17th Floor
Syracuse, NY 13202
April 7, 2018

ATTACHMENT

"A"

VOLUNTARY AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ONONDAGA

DR# 04-492796

City of Syracuse

I, [REDACTED] being duly sworn, state that I
am 16 years of age with a date of birth of JUNE 14, 88. I reside at
307 B. GULLEMAN ST. Mottville
JM.

- JM1. I have the right to remain silent.
- JM2. Anything I say can be used against me in court.
- JM3. I have the right to an attorney, to speak to him before I speak to you, and to have him with me while I talk to you.
- JM4. If I cannot afford an attorney I will be provided one without cost.
- JM5. If I decide to talk and then change my mind, I can stop talking at any time.
- JM6. I understand these rights and I wish to speak with you.

I am voluntarily giving this affidavit to Deputy R. J. Owens
from the Onondaga County Sheriff's Department. I am giving this statement on 1-4-05
at 1050 AM. I am giving this at THE ONONDAGA CO. SHERIFF'S DEPT.

THIS MORNING A SHERIFF BROUGHT ME DOWN TO THE
SHERIFF'S OFFICE WHERE I MET WITH DEPUTY OWENS. DEPUTY
OWENS BROUGHT ME INTO A ROOM AND READ ME MY RIGHTS
WHICH I SAID I UNDERSTOOD.

DEPUTY OWENS ASKED ME NUMEROUS QUESTIONS ABOUT
THE BOMB THREATS THAT HAD OCCURRED AT CNS HIGH SCHOOL.
ON DEC. 23 2004, OUR LAST DAY OF SCHOOL BEFORE THE
CHRISTMAS BREAK, I GOT OUT OF CLASS AT ABOUT 900 AM
TO LEAVE FOR THE DAY. I WAS GOING TO LEAVE WITH MY
FRIEND DAVE O'NEAR AND HIS MOM WAS PICKING US UP.

PREVIOUS TO THIS DAY, DAVE AND I HAD TALKED ABOUT
I have read this 2 page(s) affidavit and swear that it is the truth to the best of my knowledge and
recollection. I know the meaning of perjury, it is the telling of a lie while under oath and I know that false
statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the
Penal Law of the State of New York.

Witness:

Subscribed and sworn to before me this
day of 19

Deponent:

1/4/05

11:13 am.

Commissioner of Deeds
City of Syracuse

VOLUNTARY AFFIDAVIT

DR# 04-492796

leaving a note somewhere in the school about a stick bomb. We thought it would be funny. We also talked about leaving a note about a regular bomb threat.

I met up with Dave in the 2nd floor mens' room. Once in there, Dave handed me a small note that said some thing to the effect that there was a bomb in the school. I went into one of the stalls and placed the note in there but I can't recall exactly where it was placed.

← 2.

← 3.

Dave and I then got our stuff from our lockers and we then got the school with David's mom. I have no involvement with any of the previous notes left within CNS. I am sorry for what I did.

I just want to add that doing this was both Dave's and my idea.

1. FROM "STICK" BOMBS TO "REAL" BOMBS. WHY????

I.M.

2. "... SAID SOMETHING TO THE EFFECT THAT"

3. "I WENT INTO ONE OF THE STALLS AND PLACED THE NOTE..."

I have read this 2 page(s) affidavit and swear that it is the truth to the best of my knowledge and recollection. I know the meaning of perjury, it is the telling of a lie while under oath and I know that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York.

Witness:

Deponent:

Subscribed and sworn to before me this

day of 19

Commissioner of Deeds
City of Syracuse
Commission Expires

ATTACHMENT

"A1"

syracuse.com

False confession in bomb threat earns man \$75,000 from Syracuse jury



By [Jim O'Hara, The Post-Standard](#)

on January 16, 2013 at 8:16 AM, updated January 16, 2013 at 1:09 PM

Syracuse, NY - A Mattydale man was awarded \$75,000 in damages Tuesday by a Syracuse jury for being coerced into giving a false confession in a school bomb-threat case from 2005.

The state Supreme Court jury deliberated about two hours before concluding the Onondaga County Sheriff's Office acted with malice in bringing criminal charges against Joseph Masterpol, then a 16-year-old Cicero-North Syracuse High School student, in January 2005.

Lawyer Kevin Kuehner said the six jurors sided with Masterpol in concluding that former Detective Robert Owens coerced a false confession from Masterpol by improperly promising the teenager he could go home and face no criminal consequences if he would admit his guilt during a two-hour interrogation.

Masterpol was arrested and charged with a felony count of first-degree falsely reporting an incident after confessing to the bomb-threat incident that occurred at the C-NS High School Dec. 23, 2004.

The charge was dropped in November 2005 after authorities identified another student's fingerprint on the bomb-threat note that had been attributed to Masterpol.

Kuehner said the case came down to a credibility question: Masterpol claimed Owens promised he could go if he confessed, but Owens -- now retired from the department -- denied making any such promise.

Making such a promise is not allowed by law, Kuehner said. Detectives have a lot of leeway in what tactics they can use in interrogating a suspect, but that is not one of them, the lawyer said.

"Joey won the credibility issue," Kuehner said.

Sheriff Kevin Walsh declined comment, referring all questions to the county attorney's office. County Attorney Gordon Cuffy declined comment because the verdict is likely to be appealed.

In bringing a lawsuit against the county and sheriff's office, Masterpol claimed authorities acted in bad faith in coercing him to confess, the lawyer said.

While Masterpol was facing the criminal prosecution in Onondaga County Court, his attorney questioned the

validity of the confession. The lawyer contended Masterpol didn't understand his rights and falsely implicated himself in the crime because of anxiety, depression and an attention-deficit hyperactivity disorder.

Masterpol's defense was gearing up for a trial in the case when the district attorney's office suddenly announced in November 2005 it was dropping the charge after a fingerprint on the bomb-threat note was identified as belonging to another youth, 16-year-old Joseph Larocca of Cicero.

Larocca pleaded guilty in March 2006 to one count of first-degree falsely reporting an incident in one of seven bomb-threat cases that had plagued the C-NS school for two years. He was linked to a number of other incidents that had occurred before he turned 16, officials said.

Larocca was sentenced in July 2006 to serve 24 weekends in jail.

Masterpol had been thrown out of school after being arrested in 2005. He was allowed back into school after the charge against him was dropped and he graduated on time, Kuehner said. Now 24, Masterpol is a student at Le Moyne College while working as a patient-safety monitor at St. Joseph's Hospital Health Center, the lawyer said.

Kuehner said he believed the money damages were awarded to compensate Masterpol for the four days he spent in jail -- during which he was threatened with rape by other inmates -- after his arrest.

Kuehner said Masterpol and his family reacted with tears of relief at the verdict Tuesday following a two-day, four-witness trial before state Supreme Court Justice Deborah Karalunas.

"Eight years was lifted off his shoulders in a second," Kuehner said.

It was one thing to have the criminal charge dropped back in 2005, Kuehner said. But it was just as important getting the jury verdict awarding him damages in the civil trial, he added.

"It was really good for this kid to get closure," Kuehner said. "This kind of puts an exclamation point on it."

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ATTACHMENT

"B"

MIRANDA STATEMENT COVER SHEET

STATEMENT COVER SHEET

STATE OF NEW YORK
COUNTY OF ONONDAGA
CITY OF SYRACUSE

DR # 977
Page 1 of 1 pages.
Date 3-OCT-92 SAT.

I, [REDACTED], age 29, born on NOV. 21-62
and residing at 315 N. SALINA ST. APT. 37
having been advised by Sgt. Gerald Sabloski of the
SYRACUSE POLICE DEPARTMENT, of the following:

I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY
STATEMENT IF I DON'T WANT TO. yes

IF I GIVE UP THAT RIGHT, ANYTHING I DO OR SAY CAN AND WILL BE USED
AGAINST ME IN A COURT OF LAW. yes

I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY
STATEMENT OR AT ANY TIME DURING THIS STATEMENT. yes

IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO
HIRE ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND
I MAY HAVE THAT LAWYER PRESENT BEFORE MAKING ANY STATEMENT. yes

I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME
DURING THIS STATEMENT AND REMAIN SILENT AND HAVE A LAWYER
PRESENT. yes

I have read these rights (had these rights read to me by Sgt. Sabloski)
and I fully understand these rights, and at this time I agree to give up the above
rights and make the following statement:

Gerald Sabloski
WITNESS

[REDACTED]
SIGNATURE

Time started 0013 Time completed 0015 hr.

TIME STARTED

Saturday, Oct. 3
@ 12:13 a.m.

TIME COMPLETED

Saturday, Oct. 3
@ 12:15 a.m.

STATEMENT CONTINUATION

STATEMENT CONTINUATION

STATE OF NEW YORK
COUNTY OF ONONDAGA
CITY OF SYRACUSE

DR # [REDACTED]

TODAY IS THE 03RD OF OCT'92, I AM CURRENTLY AT THE SYRACUSE POLICE STATION TALKING WITH INV.T.RATHBUN. I WANT TO SAY THAT I HAVE BEEN READ MY RIGHTS WHICH I KNOW AND UNDERSTAND COMPLETELY. THE POLICE HAVE ASKED ME ABOUT MY REALATIONSHIP WITH [REDACTED], HE ALSO CALLS HIMSELF [REDACTED].

I HAVE KNOWN JIMMY SINCE MARCH'86, I MET HIM WHEN I LIVED ON THE SAME STREET FOR AWHILE, I LIVED AT 207 GREEN ST, JIMMY STILL LIVES IN THE SAME HOUSE WITH HIS MOTHER IT'S IN THE 100 BLK, IT'S YELLOW. ANYWAY SHORTLY AFTER MEETING JIMMY WE STARTED HAVING A REALATIONSHIP, WE WERE DOING IT KINDA ON THE SLY BECAUSE WE DID NOT WANT ANYBODY TO FIND OUT THAT WE WERE LOVERS. *B.M*

FOR THE LAST YEAR OR SO JIMMY AND I WERE TALKING ABOUT GETTING OUR OWN PLACE. THE PLACE WHERE I LIVE DOES NOT ALLOW ME TO HAVE ANYONE LIVE WITH ME, JIMMY STAYS WITH HIS MOTHER AND THEY HAVE NEVER GOTTEN ALONG. WHEN JIMMY AND I SPEND TIME TOGETHER IT WAS AT MY PLACE OR AT HIS MOTHERS HOUSE WHEN SHE WAS NOT HOME. JIMMY'S MOTHER WAS ALWAYS GETTING DOWN ON HIM, HE WOULD ALWAYS TELL ME THAT HE WISHED SHE WAS DEAD. JIMMY'S MOTHER HAD A SUGAR PROBLEM, HE WAS ALWAYS HOPEING THAT IT WAS GONNA KILL HER.

I GUESS THAT IT WAS ABOUT A WEEK AGO OR SO WHEN JIMMY ASKED ME IF I WOULD KILL HIS MOTHER, HE TOLD ME THAT HE WOULD GIVE ME A KEY TO HIS HOUSE, HE SAID "YOU KNOW WHAT TO DO". I TOLD JIMMY THAT I WOULD BE SO NERVOUS THAT I WOULD'NT KNOW WHAT TO DO. WE TALKED ABOUT WHAT I WOULD DO AND SAY AFTERWARDS IF THE COPS STOPPED ME, OF IF SOMEONE SAY ME. JIMMY THEN MENTIONED THAT HE WOULD LEAVE A WINDOW OPEN.

ON WEDNESDAY THE 30TH JIMMY CALLED ME AT MY APARTMENT AT ABOUT 11:50 PM, JIMMY CALLED ME ABOUT EVERY NIGHT AT THIS TIME. JIMMY TOLD ME TO COME UP TO HIS HOUSE. I MET JIMMY AT ABOUT 12:15 AM ON THE 01ST, WE MET ON THE FRONT PORCH OF HIS HOUSE. JIMMY DIDN'T REALLY SAY ANYTHING HE JUST HANDED ME A NOTE AND SAID THAT HE WOULD CALL ME ON THE FOLLOWING NIGHT AT THE REGULAR TIME. I THEN WALKED DIRECTLY BACK TO MY APARTMENT, I LIVE ON THE 3RD FLOOR AT 315 NORTH SALINA ST APT#37. WHEN I GOT HOME I TOOK THE NOTE OUT OF MY POCKET, IT WAS A PIECE OF ENVELOPE, I RECALL THAT IT WAS BLUE ON THE INSIDE AND WHITE ON THE OUTSIDE. WHEN I READ THE NOTE I STARTED GETTIN REALLY NERVOUS AGAIN. IT WAS PRINTED IN JIMMY'S HANDWRITING, IT SAID "BARDELL YOU KNOW WHAT TO DO IF YOU WANT TO BE MY LOVER.. ILL GIVE YOU A KEY."

ON THE 01ST OF OCTOBER AT THE USUAL TIME JIMMY CALLED ME AT MY APARTMENT, IT WAS SHORTLY BEFORE MIDNIGHT. JIMMY SAID, "I GOT SOME BAD NEWS TO TELL YA, SHE DIED ", I THEN ASKED IF SHE HAD DIED FROM THE SUGAR, JIMMY DID NOT ANSWER FOR A MINUTE, HE THEN SAID, "I GOTTA SEE YA". I DID NOT ASK ANYMORE QUESTIONS, WE MADE ARANGMENTS TO MEET AROUND THE CORNER FROM THE LOCKSMITH PLACE ON BURNET AVE.

I GOT TO THE LOCATION AT ABOUT 12:20AM, THAT WOULD BE FRIDAY THE 02ND OF OCT. WHEN I MET WITH JIMMY HE SAID COME WITH ME, WE STARTED WALKING TOWARDS JIMMY'S HOUSE, WE DIDN'T TALK ON THE WAY. WHEN WE GOT TO JIMMY'S HOUSE HE TOLD ME TO BE QUIET. WE BOTH WALKED UP ON THE FRONT PORCH, I'M NOT SURE IF THE DOOR WAS LOCKED OR NOT, I WAS LOOKING AROUND TO MAKE SURE THAT NOBODY WAS WATCHING.

CON'T ON 2

I have read this statement (had this statement read to me) which consist of 2/4 page(s) and the facts contained therein are true and correct to the best of my knowledge.

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Affirmed under the penalty of perjury, this 3 day of OCT, 1992.

[REDACTED]

Thomas Rathbun
witness

STATEMENT CONTINUATION

STATEMENT CONTINUATION.

STATE OF NEW YORK
COUNTY OF ONONDAGA
CITY OF SYRACUSE

DR # [REDACTED]

I WALKED INTO THE HOUSE DIRECTLY BEHIND JIMMY, I STAYED BY THE FRONT DOOR, JIMMY SAID THAT HE WOULD BE RIGHT BACK. I WANT TO SAY THAT ONCE WE WERE INSIDE THE HOUSE I FIGURED THAT HIS MOTHER WAS NOT REALLY DEAD, WHY ELSE WOULD HE WANT ME TO BE QUIET. I WAITED BY THE FRONT DOOR FOR ABOUT 10 OR 20 SECONDS, I WAS IN THE LIVINGROOM NEAR THE DOOR, I COULDN'T SEE MUCH CAUSE ALL THE LIGHTS WERE OFF. WHEN JIMMY RETURNED HE HANDED ME ONE OF THEM RUBBER GLOVES THAT THE DOCTORS WEAR, HE TOLD ME TO PUT IT ON. JIMMY ALSO HAD ONE OF THE GLOVES, WE BOTH PUT ON THE GLOVES. I PUT MINE ON MY RIGHT HAND, I REMEMBER THAT IT WAS REALLY THIN AND IT "SNAPPED" WHEN IT WENT ON. ONCE AGAIN JIMMY LEFT ME BY THE FRONT DOOR AND SAID THAT HE WOULD BE RIGHT BACK.

Rubber
Gloves

BM

I WAS AT THE FRONT DOOR FOR A MINUTE OR SO WHEN I HEARD A FEMALE'S VOICE SAYING "STOP JIMMY STOP", THIS VOICE STARTED SCREAMING, SHE KEPT SAYING "STOP JIMMY STOP". I STARTED CREEPING FURTHER INTO THE LIVINGROOM, I THEN WALKED INTO THE DININGROOM AREA AND COULD HEAR THE COMOTION IN A ROOM DIRECTLY OFF THE DININGROOM, I KNEW THIS ROOM TO BE JIMMY'S MOTHERS BEDROOM. I STOOD IN THE DOORWAY AND SAW JIMMY STANDING OVER THE BED, I SAW A FEMALE'S FIGURE LYING PARTWAY ON THE BED, I RECOGNIZED THIS TO BE JIMMY'S MOTHER. SHE WAS WEARING SOME SORT OF A HOUSE COAT, THE ROOM WAS DARK BUT I SAW THAT SHE WAS HALF OFF THE BED, HER HEAD WAS STILL ON IT BUT IT LOOKED LIKE HER LEGS WERE HANGING OFF. WHILE I WAS LOOKING I SAW JIMMY PULL A KNIFE OUT OF HIS MOTHERS CHEST, HE REACHED BACK AND BROUGHT THE KNIFE OVER HIS HEAD AGAIN. AT THAT POINT I WAS REALLY SCARED AND I BACKED OFF AND STARTED HEADING TOWARDS THE FRONT DOOR. WHEN I WAS ALMOST AT THE FRONT DOOR I HEARD JIMMY COMING BEHIND ME, AS I TURNED JIMMY SAID "HERE". JIMMY THREW THE KNIFE AT ME, IT HIT ME IN MY LEFT FOREARM AND STUCK IN. I DIDN'T HARDLY FEEL IT STICK IN, I PULLED THE KNIFE OUT, JIMMY SAID "COME ON YOU KNOW WHAT TO DO". WE BOTH WALKED BACK TO THE BEDROOM, JIMMY STAYED IN THE DOORWAY. I WALKED OVER TO THE SIDE OF THE BED WHERE JIMMY'S MOM WAS LYING, SHE WAS STILL IN THE SAME POSITION. AS I WALKED BY THE SIDE OF THE BED I COULD FEEL THE BLOOD WETTING THRU MY PANTS, I COULD HEAR JIMMY'S MOM BREATHING, IT WAS REALLY HEAVY. I HELD THE KNIFE IN MY RIGHT HAND AND STUCK THE KNIFE INTO THE LEFT SIDE OF JIMMY'S MOMS NECK, IT MADE A WEIRD SOUND, KINDA LIKE "TISS". AFTER I STUCK HER THE FIRST TIME JIMMY'S MOM SAID "PLEASE I'LL GIVE YOU ANYTHING", SHE THEN REACHED UP AND GRABBED MY LEFT WRIST JUST BELOW WHERE I WAS CUT, SHE SCRATCHED MY ARM. I THEN SWITCHED THE KNIFE FROM MY RIGHT HAND TO MY LEFT HAND. I LIFTED UP THE BACK OF HER HEAD WITH MY RIGHT HAND AND STABBED HER AGAIN IN THE NECK, I THINK I STABBED HER IN THE BACK OF THE NECK, JUST BELOW MY RIGHT HAND THAT WAS PROPING HER HEAD UP. HER BREATHING WAS REALLY LOW LOW AND SHE WAS NOT MOVING. I STARTED BACKING OFF, THATS WHEN I TRIPPED OVER WHAT MUST HAVE BEEN HER LEGS THAT WERE HANGING OVER THE BED. WHEN I HIT HER LEGS JIMMY'S MOM FELL COMPLETELY OFF THE BED, SHE WAS NOW LYING BETWEEN THE BED AND THE WALL. I LOOKED BACK AND SAW THAT THE HOUSECOAT HAD KINDA PULLED BACK, SHE WAS ALL BUT NAKED.

Bloody
Knife

Bloody
Knife

I RAN OUT OF THE BEDROOM AND TOWARDS THE BACK OF THE HOUSE, I OPENED UP JIMMY'S BEDROOM DOOR AND SAW THAT THE WINDOW WAS OPEN. I WAS REALLY NERVOUS, I KINDA NELT ON JIMMY BED AND TRIED TO GET OUT HIS WINDOW, I COULDN'T MAKE IT. I TURNED BACK AND RAN TOWARDS THE FRONT DOOR, JIMMY WAS BEHIND ME, WE BOTH RAN OUT THE DOOR.

I have read this statement (had this statement read to me) which consist of 3/4 page(s) and the facts contained therein are true and correct to the best of my knowledge.

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Affirmed under the penalty of perjury, this 30 day of OCT, 1993.

Signature

witness

STATEMENT CONTINUATION

STATEMENT CONTINUATION

STATE OF NEW YORK
COUNTY OF ONONDAGA
CITY OF SYRACUSE

DR# [REDACTED]

Bloody Knife and
Bloody Glove

WHEN WE GOT OUTSIDE I PUT THE KNIFE AND MY GLOVE IN MY LEFT FRONT PANT POCKET
I RAN UP GREEN ST AND TURNED LEFT AT THE FIRST CORNER AND KEPT RUNNING DIRECTLY
HOME, JIMMY RAN THE OTHER WAY BACK TOWARDS HIS JOB ON BURNET AVE.

WHEN ALL THIS HAPPENED I WAS WEARING A PAIR OF NAVY COLORED PANTS, A REDDISH
COOED PULLOVER SHIRT THAT BUTTONS HALFWAY DOWN THE CHEST, BLACK OXFORD SHOES, I WAS
NOT WEARING A COBTJIMMY WAS WEARING A PAIR OF BLACK SLACKS, SNEAKERS, A BLACK WAISTLENGH
JACKET THAT SHAPS UP THE FRONT.

Bloody Clothes

WHEN I GOT BACK TO MY APARTMENT I UNDRESSED AND PUT THE BLOODIED CLOTHES
IN MY DIRTY CLOTHES HAMPER, THE KNIFE AND THE GLOVE WERE STILL IN THE POCKET. I THEN
MADE SOME INSTANT COFFEE AND WENT TO FIXIN THE CUT ON MY ARM. THE CUT WAS KKM KINDA
HURTIN NOW AND IT WAS BLEEDING, I POURED ABOUT A HALF OF A BOTTLE OF PEROXIDE ON IT
AND LET IT AIR OUT FOR AWHILE. I PACED AROUND THE APARTMENT ALL NIGHT.

Bottle of
Peroxide

I WANT TO SAY THAT AFTER WE HAD STABBED HIS MOTHER HE TOLD ME THAT HE WOULD
CALL ME AT 8:00AM... HE NEVER DID.

I WANT TO SAY THAT WHEN I DID THIS WITH JIMMY I WAS NOIT DRINKING NOR WAS
ON ANY TPE OF DRUG. I WANT TO SAY THAT KILLING JIMMY'S MOTHER WAS NOT MY IDEA
AND I KNOW THAT IT WAS WRONG. I HAVE GIVEN THIS STATEMENT OF MY OWN FREE WILL
AND SWEAR THAT IT IS THE TRUTH...

yes this is the truth
Sing B. M.

I have read this statement (had this statement read to me) which consist of 4/1 page(s) and the facts
contained therein are true and correct to the best of my knowledge.

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR
PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Affirmed under the penalty of perjury, this 3 day of OCT, 1992.

signature

witness

SUPPLEMENT REPORT FORM 3.5 Rev. 1/82		1. Victim, Complainant, Arrestee, etc.: <u>Hernandez, Mary</u>		2. Complaint #: <u>92-145927</u>	
3. Type of Report Completed: <input checked="" type="checkbox"/> Follow-Up: <input type="checkbox"/> Continuation Sheet:		4. Original Incident: <u>Homicide</u>		5. Date & Time of Original Incident: <u>2 oct 92 0308</u>	
6. Location of Incident: <u>RA</u>		7. Original Classification:		8. Classification Changed To:	
9. Type of Report Completed: <input type="checkbox"/> Offense <input type="checkbox"/> Traffic Accident <input type="checkbox"/> Arrest <input type="checkbox"/> Follow-Up or Supplemental		10. Additional Property Status: <input type="checkbox"/> Yes <input type="checkbox"/> No Value \$		11. Additional Property Recovered: <input type="checkbox"/> Yes <input type="checkbox"/> No Value \$	
12. Involved Persons: <u>V - Victim Other Than Black & I</u> <u>W - Witness</u> <u>R - Person Reporting</u> <u>P - Parent/Guardian</u> <u>S - Suspect</u> <u>O - Other</u> (Last, First, MI)		Date		Phone	
Name		Address		Age	
Sex		Race		D.O.B.	
M.O. CODE		SUSPECT CEN NUMBER		REFER TO M.O. CODING SHEET FOR CODING INFORMATION	

NO. 10

REFER TO M.D. CODING SHEET FOR CODING INFORMATION

On 3 October 92 at 0410 hrs., subsequent to a investigation into the murder of Mary Conacci, a search warrant for [REDACTED] apt. #37, was signed by Judge Brian DeJoseph. This apartment is the residence of one [REDACTED] a suspect in this homicide. Also signed at this time by Judge DeJoseph were court orders for the removal of bodily samples from the persons of [REDACTED] and one James Lowe. [REDACTED] apt. #37.

0432- 1 (one) black-handled knife with 8 inch blade. Rec'd by Sgt. Rathbun in the kitchen sink strainer.

0438- Polaroid picture of [REDACTED] Recovered by Inv. Brown in top dresser drawer.
0440- Pink sheet of paper with [REDACTED] name and address on it. Recovered in dresser drawer by Inv. Brown.

0457- one (1) partially full bottle of Peroxide. Found by Inv. Brown in the bedroom in a metal cracker can.

0507- one (1) letter. Found under the mattress by Inv. Brown. (bedroom)
0510- one (1) pair of jeans, one (1) blue and grey sweater-jacket, one (1) pair of wht. sweatsocks; all recovered by P.O. Trice in the bathroom, in a bathtub half full of a red colored liquid. At the same time, Ofcr. Trice took a sample of the red colored liquid in the bathtub and also took a swab of the residue on the side of the tub that remained as the water drained.

At approx. 0600 hrs., same date, and recovered at [REDACTED], apt. #37, was shown to suspect [REDACTED] in interrogation room #1 by Inv. T. Rathbun and Moore positively identified this black handled knife as the weapon that he used in the murder of [REDACTED].

turned in by P.O. Trice.		Case Status:		16. Disposition Type:		17. Supervisor:		18. Review Clerk:		19. Purview Action Required:		20.	
<input type="checkbox"/> Open <input type="checkbox"/> Closed, No Prosecution <input type="checkbox"/> Closed Pending <input type="checkbox"/> Closed Exceptionally		<input type="checkbox"/> Unfounded <input type="checkbox"/> Juvenile Arrest <input type="checkbox"/> Adult Arrest <input type="checkbox"/> Juvenile/Adult Arrest		<input type="checkbox"/> Open <input type="checkbox"/> Cleared over 18 years by arrest or exceptionally <input type="checkbox"/> Cleared under 18 years by arrest or exceptionally <input type="checkbox"/> Cleared over and under 18 years by arrest or exceptionally						<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Page <u>1</u> of <u>1</u>	
1. Felony returns in made herein are punishable as a Class A Misdemeanor pursuant to Section 21.45 of the Penal Law of the State of New York.													
AFFIRMED UNDER PENALTY OF PERJURY													
Reporting Officer: <u>Sgt. Mark Rathbun</u> <u>471</u>													

Barrell

if you Like to Be my Love
you know wont you got to
DO. & if you can get on on-
DO IT YOUR SAIF GET A Big
KNIFE if you Like me to I
give you A key

LETTER RECOVERED @ 5:07 a.m.

ATTACHMENT

"C"

STATEMENT

STATE OF NEW YORK

PAGE ONE OF 2 PAGES

COUNTY OF Onondaga

DATED: 01/12/96

Town OF Clay

I, DANIEL G GRISTWOOD, AGE 29, BORN ON 12/02/66,
 AND RESIDING AT 14 Gerviston Court, T/Clay, New York,
 HAVE BEEN ADVISED BY Investigator FRANK J JEROME,
 OF THE New York State Police, OF THE FOLLOWING:

QA I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT
 IF I DON'T WANT TO.

QA IF I GIVE UP THAT RIGHT, ANYTHING I DO SAY CAN AND WILL BE USED AGAINST ME
 IN A COURT OF LAW.

QA I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT OR
 AT ANY TIME DURING THIS STATEMENT.

QA IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE ONE, A
 LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT LAWYER
 PRESENT BEFORE MAKING ANY STATEMENT.

QA I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS
 STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT.

QA I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY RIGHTS AND
 MAKE THE FOLLOWING STATEMENT:

Mr. Matt A. Zona
 WITNESS

Daniel G. Gristwood b. 12/2/66
 SIGNATURE

I am at the New York State Police Barracks in Oneida,
 New York and I am making this statement to Investigator
 FRANK J JEROME of the New York State Police.

I am making this statement about what happened to my
 wife CHRISTINA M. (DOVE) GRISTWOOD in the early morning hours
 of January 12th, 1996.

I went to work at Syracuse Label Company at about
 2:00PM on January 11th, 1996. I punched in at work at about
 2:15PM. I worked until about 5:00PM and I called CHRISTINA
 to see how she was and how the kids were. She said she was
 a little stressed out. After work I went to the Crossroads
 Tavern at Luther and Seventh North Street with some guys
 from work.

I left the Bar at about 2:30AM January 12th, 1996 and
 warmed up my car in the parking lot and left the parking lot
 at about 2:45AM. I drove right home to 14 Gerviston Court,
 T/Clay, New York. I walked in the house and got a glass of
 tea and smoked a cigarette and watched a little Television.
 I went upstairs and in to my bedroom and saw my wife laying
 on the bed and saw that she was naked. I also remember
 seeing my arm and my fist going toward her head and I

Inv Frank J. Jerome Mr. Matt A. Zona Daniel G. Gristwood b. 12/2/66

NAME: DANIEL G CRISTWOOD

DATE 01/12/96

remember seeing the hammer on a pillow on the floor next to head.

I ran downstairs to get a flash light and went back up to see what had happened. Their was blood and part of her head was cut open. I ran back downstairs and I called my Aunt to get the kids out of the house. She told me to call 911 which I did. The 911 Operator asked me where the blood was coming from and I went up and looked and the operator asked me to get JACOB, my son out of the bedroom and I did. A short time later the Police arrived.

I realize that what I had done up in the bedroom when I could see my arm and fist going toward my wife's head was that I was hitting her in the head.

I am very sorry that I did this to my wife because I love her more than anything in the world.

NOTICE

(Penal Law 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York Punishable as a Class "A" Misdemeanor.

Affirmed Under Penalty of Perjury
this 12th, day of January, 1996

Daniel G Cristwood 7:09 PM
Person making voluntary Statement

[Signature]
Witness

[Signature]
Witness