

**DOBBS FERRY POLICE DEPARTMENT
SUPPORTING DEPOSITION**

INSTRUCTIONS: Deponent must place signature immediately after his/her narrative statement which shall include a statement of non-permission when applicable. Police officer will witness the deponent's statement by placing signature immediately below the deponent's signature.

Case Number 96-00311	Deponent's Name DILLON, MICHAEL		
Defendants:			
Date & Time of Deposition 10/03/96 2205	Rank D/SGT	Officer Name GELARDI, WILLIAM G	ID # 04

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I, MICHAEL DILLON, MAKE THE FOLLOWING STATEMENT TO D/SGT. WILLIAM G. GELARDI, WHO IDENTIFIED HIMSELF AS A POLICE OFFICER OF THE DOBBS FERRY POLICE DEPARTMENT IN REGARDS TO A INCIDENT THAT I WITNESSED AND OBSERVED ON OCTOBER 3, 1996, AT ABOUT 5:00PM OR SO.

WHILE EMPLOYED BY TCI OF WESTCHESTER AND BEING A PASSENGER IN THE TCI TRUCK BEING OPERATED BY KEVIN O'DONNELL, MY SUPERVISOR, AND WHILE WE WERE TRAVELING ON ASHFORD AVENUE TOWARDS THE VILLAGE AND WHILE WE WERE PREPARING TO MAKE A LEFT TURN UNTO OGDEN AVE. I OBSERVED THE FOLLOWING; LOOKED OVER TO MY RIGHT INTO A PARKING LOT WHERE THE DELI WAS, I'M NOT SURE OF THE DELI'S NAME AND NOTICED 3 TO 4 WHITE MALES IN THE MIDDLE OF THE PARKING LOT. THEY WERE WRESTLING AND STRUGGLING WITH A BLACK MALE WHO I WOULD DESCRIBE AS BEING OF MIDDLE AGE, APPROX 30 TO 35 YOA, LITTLE MORE THAN SIX FEET TALL, ABOUT 220 LBS., THE WHITE MALES WERE DESCRIBED AS FOLLOWS; ONE MALE WAS ABOUT 60 TO 65 YEARS OF AGE, DARK GREY HAIR, MEDIUM BUILD, MAYBE 5 FOOT 8 INCHES IN HEIGHT. THE SECOND MALE WAS IN HIS MID 20'S, STOCKY BUILD, ABOUT 6 FOOT TALL, AT THE MOST. I AM UNABLE TO IDENTIFY THE THIRD OR POSSIBLY THE FOURTH MALE IN THIS GROUP. I WAS MORE FOCUSED ON THE FIRST AND SECOND MALE WHO I HAD DESCRIBED. ONE OF THE WHITE MALES FROM THIS GROUP TOLD THE BLACK MALE "TO GET OUT OF HERE" WHILE THEY WERE SHOVING HIM TOWARDS A BLACK CORVETTE WITHIN THE PARKING LOT. WHEN THE BLACK MALE REACHED HIS CAR HE OPENED THE HATCH BACK OF THIS CAR AND TOOK OUT A ALUMINIUM BAT. THE BLACK MALE THEN BEGAN TO SWING THE BAT WIDELY AT THE GROUP OF WHITE MALES. WHILE HE WAS SWINGING THE BAT I THEN OBSERVED HIM STRIKING THE 60 TO 65 YEAR OLD MALE AT LEAST TWO TO THREE TIMES IN THE AREA OF HIS LEFT THIGH AND LEFT KNEE. HE STRUCK HIM AT FULL FORCE AND VERY HARD. I COULD HEAR THE SMACK FROM THE INTERSECTION. I THEN NOTICED THE YOUNGER MALE WHO I DESCRIBED RUN INTO THE DELI AND RETURNED ABOUT 10 SECONDS LATER AT THE MOST. HE THEN RAN UP TO THE BLACK MALE AND WHEN HE REACHED 2 TO 3 FEET OF HIM. THE BLACK MALE WAS STILL SWINGING THE BAT AT THE OLDER MALE. I HEARD 3 TO 4 RAPID GUN SHOTS, ALL WITHIN 6 SECONDS. THE MALE WHO SHOT AT THE BLACK MALE DID NOT SAY ANYTHING BEFORE SHOOTING AT HIM. THE WEAPON HE USED APPEARED TO BE A SMALL HANDGUN. HE SHOT THE BLACK

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

DEPONENT: X

Michael J. Dillon
D/SGT William G. Gelardi

DATE:

10/3/96

WITNESS: X

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MALE FROM THE FRONT, HE THEN FELL BACKWARDS UNTO THE GRASSY MOUND ON THE OTHER SIDE OF THE PARKING LOT. WE THEN PULLED INTO THE LOT. THE OLDER MALE AND THE MALE WHO SHOT THE BLACK MALE BACKED AWAY FROM HIM. KEVIN THEN GOT OUT OF THE TRUCK AND BEGAN TO GIVE THE BLACK MALE CPR. THE POLICE THEN ARRIVED ABOUT A MINUTE LATER AND THEY TOOK OVER, UNTIL THE AMBULANCE CAME.

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DEPONENT: X

Michael J. Dillon

DATE:

10/3/96

WITNESS: X

[Signature]