

A72
Indictment [Pages A72 - A79]

PMM

COUNTY COURT : COUNTY OF WESTCHESTER
STATE OF NEW YORK

-----X
THE PEOPLE OF THE STATE OF NEW YORK

- against -

INDICTMENT NO.
96-1403

RICHARD D. DiGUGLIELMO,
RICHARD B. DiGUGLIELMO and
ROBERT ERRICO,

Defendants.

COUNT ONE

125.25/01/74 DF

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, RICHARD D. DiGUGLIELMO, of the crime of MURDER IN THE SECOND DEGREE, committed as follows:

The defendant, in the Village of Dobbs Ferry, County of Westchester and State of New York, on or about October 3, 1996, with intent to cause the death of another person, caused the death of CHARLES CAMPBELL.

COUNT TWO

125.25/02/74 DF

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant, RICHARD D. DiGUGLIELMO, of the crime of MURDER IN THE SECOND DEGREE, committed as follows:

The defendant, in the Village of Dobbs Ferry, County of Westchester and State of New York, on or about October 3, 1996, under circumstances evincing a depraved indifference to human life did recklessly engage in conduct which created a grave risk of death of another person, and thereby caused the death of CHARLES CAMPBELL.

COUNT THREE

120.05/02/67 DF

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendants, RICHARD D. DiGUGLIELMO, RICHARD B. DiGUGLIELMO and ROBERT ERRICO, of the crime of ASSAULT IN THE SECOND DEGREE, committed as follows:

The defendants, in the Village of Dobbs Ferry, County of Westchester and State of New York, on or about October 3, 1996, with intent to cause physical injury to another person, did cause such injury to CHARLES CAMPBELL, by means of a dangerous instrument.

All contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of the State of New York.

/s/ Jeanine Pirro
JEANINE PIRRO
District Attorney of Westchester County

IDENTIFICATION NOTICE

Please take notice, pursuant to Section 710.30 of the Criminal Procedure Law, that during the trial of the above-named matter, the People expect to introduce the testimony regarding an observation of RICHARD D. DiGUGLIELMO either at the time or place of the commission of the crime or upon some other occasion relevant to the case, which testimony will be given by a witness who has previously identified the defendant as such:

In person at the Venice Deli parking lot at approximately 5:20 p.m. on or about October 3, 1996.

JEANINE PIRRO
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY
Westchester County Courthouse
111 Grove Street
White Plains, New York 10601

NOTICE TO DEFENDANT OF INTENTION TO OFFER
EVIDENCE PURSUANT TO SECTION 710.30 CPL

Please take notice, that the District Attorney intends to offer at trial evidence of a statement made by the defendant RICHARD D. DiGUGLIELMO to a public servant which statement, if involuntarily made, would render the evidence thereof suppressible upon motion pursuant to Subdivision 3 of Section 710.20 CPL.

- | | |
|---|---|
| <input type="checkbox"/> Grand Jury testimony | <input type="checkbox"/> Tape Recorded |
| <input type="checkbox"/> Oral, reduced to writing | <input type="checkbox"/> Signed statement |
| <input checked="" type="checkbox"/> Oral | <input type="checkbox"/> Testimony |

and made at approximately 5:20 p.m. on or about October 3, 1996 at the Venice Deli in the Village of Dobbs Ferry, New York.

In substance, when asked by a police officer where the gun was defendant RICHARD D. DiGUGLIELMO handed over a .32 caliber semiautomatic pistol.

JEANINE PIRRO
 DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY
 Westchester County Courthouse
 111 Grove Street
 White Plains, New York 10601

**NOTICE TO DEFENDANT OF INTENTION TO OFFER
EVIDENCE PURSUANT TO SECTION 710.30 CPL**

Please take notice, that the District Attorney intends to offer at trial evidence of a statement made by the defendant RICHARD B. DiGUGLIELMO to a public servant which statement, if involuntarily made, would render the evidence thereof suppressible upon motion pursuant to Subdivision 3 of Section 710.20 CPL.

- | | |
|---|---|
| <input type="checkbox"/> Grand Jury testimony | <input type="checkbox"/> Tape Recorded |
| <input type="checkbox"/> Oral, reduced to writing | <input type="checkbox"/> Signed statement |
| <input checked="" type="checkbox"/> Oral | <input type="checkbox"/> Testimony |

and made at approximately 5:40 p.m. on or about October 3, 1996 at the Venice Deli in the Village of Dobbs Ferry, New York.

In substance, when asked if he was injured, defendant RICHARD B. DiGUGLIELMO stated, the guy hit me in the knee with a baseball bat.

When asked how his hand was injured, defendant stated that he did not know.

JEANINE PIRRO
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY
Westchester County Courthouse
111 Grove Street
White Plains, New York 10601

NOTICE TO DEFENDANT OF INTENTION TO OFFER
EVIDENCE PURSUANT TO SECTION 710.30 CPL

Please take notice, that the District Attorney intends to offer at trial evidence of a statement made by the defendant ROBERT ERRICO to a public servant which statement, if involuntarily made, would render the evidence thereof suppressible upon motion pursuant to Subdivision 3 of Section 710.20 CPL.

- | | |
|---|---|
| <input type="checkbox"/> Grand Jury testimony | <input type="checkbox"/> Tape Recorded |
| <input type="checkbox"/> Oral, reduced to writing | <input type="checkbox"/> Signed statement |
| <input checked="" type="checkbox"/> Oral | <input type="checkbox"/> Testimony |

and made at approximately 5:56 p.m. on or about October 3, 1996 at the Venice Deli in the Village of Dobbs Ferry, New York.

In substance, when asked about the incident, defendant ROBERT ERRICO stated that he was in the back of the deli when the incident took place and did not witness anything.

JEANINE PIRRO
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY
Westchester County Courthouse
111 Grove Street
White Plains, New York 10601

DISTRICT ATTORNEY'S DEMAND FOR DISCOVERY AND INSPECTION

PLEASE TAKE NOTICE, that pursuant to the provisions of Article 240 of the Criminal Procedure Law, the District Attorney hereby demands that the defendant disclose and make available for inspection, photographing, copying or testing any and all written reports and documents, or portions thereof, concerning all physical and mental examinations, and scientific tests, experiments and comparisons, made by or at the request or direction of the defendant, if the said defendant intends to introduce such reports or documents at trial, or if the said defendant has filed or will file a notice of intent to proffer psychiatric evidence and such reports or documents relate thereto, or if such reports or documents were made by a person, other than the defendant, whom the defendant intends to call as a witness at trial.

IT IS FURTHER DEMANDED, that the defendant disclose and make available for inspection, photographing, copying or testing any and all photographs, drawings, tapes, or other electronic recordings which the defendant intends to introduce at trial.

IT IS FURTHER DEMANDED, that compliance with the requests for discovery and inspection contained in this "DEMAND FOR DISCOVERY AND INSPECTION" take place within fifteen (15) days of the arraignment herein, at a place to be mutually agreed upon by the District Attorney and counsel for the defendant.

DISTRICT ATTORNEY'S DEMAND FOR BILL OF PARTICULARS

PLEASE TAKE NOTICE, that if the defendant herein intends to offer, for any purpose whatsoever, testimony which may tend to establish presence elsewhere than at the scene of the crime at the time of its commission, you are hereby required within eight (8) days after the service of this demand upon you, to serve upon me, the undersigned, District Attorney of the County of Westchester, and file a Bill of Particulars which shall set forth in detail the place or places where the defendant claims to have been, together with the names, residential addresses and place of employment and addresses thereof of the witnesses upon whom defendant intends to rely to establish defendant's presence elsewhere than at the scene of the crime at the time of its commission.

Unless you serve and file such Bill of Particulars, in the event that such testimony is sought to be interposed by you upon the trial for any purpose whatever, or in the event that a witness not mentioned in such Bill of Particulars is called by you to give such testimony, a motion will be made to exclude the testimony of such witness.

The District Attorney will furnish you with the name and address of any alibi-rebuttal witness(es) intended to be called by the People to testify.

Very truly yours,



JEANINE PIRRO
 District Attorney
 of Westchester County
 111 Grove Street
 White Plains, New York 10601
 (914) 285-3481

Indicment # 96-1403

WESTCHESTER COUNTY

COUNTY COURT

THE PEOPLE OF THE
STATE OF NEW YORK

against

RICHARD D. DiGUGLIELMO,
RICHARD B. DiGUGLIELMO and
ROBERT ERRICO,

Defendants.

/s/ Jeanine Pirro
JEANINE PIRRO
District Attorney

1705

A TRUE BILL
with
NOTICES

/s/ Thomas F. Lynch
THOMAS F. LYNCH
Foreman of Grand Jury

/s/ Madeline J. Ferrotta
MADELINE J. FERROTTA
Acting Foreman of Grand Jury

Charges: Murder 2° (Two Counts)
Assault 2°