

DOBBS FERRY POLICE DEPARTMENT  
SUPPORTING DEPOSITION



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

Case Number 96-00311	Event Number 96-04947	Deponent's Name ODONNELL, KEVIN D
Defendants		
Date & Time of Deposition 10/03/96 1940	Rank DET	Officer Name ELLMAN, JOSEPH
		ID # 19

NOTICE

ANY FALSE STATEMENT MADE IN THIS DEPOSITION IS PUNISHABLE AS A CLASS A  
MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

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I WAS STATIONARY SOUTH BOUND ON ASHFORD AVENUE, THREE CARS BACK, WAITING TO MAKE THE LEFT TURN ONTO OGDEN AVENUE. I JUST HAPPENED TO LOOK OUT OF THE CORNER OF MY EYE AND I SAW A BLACK MALE, APPROXIMATELY 35 YEARS OF AGE, ABOUT 6'2", CLOSE TO 200 POUNDS, WHO SEEMED TO BE ARGUING WITH THREE WHITE MALES IN THAT PARKING LOT OPPOSITE THE PIZZERIA ON ASHFORD AVENUE AND OGDEN AVENUE AT THE VENICE DELI PARKING LOT. THE FIRST WHITE MALE WAS APPROXIMATELY IN HIS LATE 50'S WEARING AN APRON, BROWN OR TAN PANTS, AND A T-SHIRT, I DON'T REMEMBER THE COLOR. THE SECOND WHITE MALE WAS ABOUT IN HIS 50'S APPROXIMATELY, HE HAD A WHITE T-SHIRT ON AND BLUE JEANS, I BELIEVE. THE THIRD WHITE MALE, I WOULD SAY HE WAS IN HIS LATE 30'S, HE WAS WEARING A RED SHIRT AND A WHITE APRON. THAT'S THE SHOOTER. THE BLACK MALE BECAME VERY BOISTEROUS TO ALL THREE WHITE MALES AND WAS MAKING GESTURES WITH HIS HANDS, AND HE THEN WALKED OVER TO A BLACK CORVETTE THAT WAS PARKED IN FRONT OF THE VENICE DELI. THE BLACK MALE OPENED UP THE REAR HATCH TO THE CORVETTE AND REMOVED WHAT APPEARED TO BE A YELLOW CARPET ROLLED UP. THE THREE WHITE MALES WERE ABOUT TEN FEET AWAY FROM THE BLACK MALE, ON THE PASSENGER SIDE OF THE CORVETTE, THEY WERE ALL EXCHANGING WORDS. AT THIS TIME THE BLACK MALE HAD UNROLLED WHAT APPEARED TO BE THE CARPET AND TOOK OUT A GOLD AND BLACK ALUMINUM BASEBALL BAT. THE BLACK MALE MADE LIKE A HURRIED UP MOTION TOWARDS THE THREE WHITE MALES AND AT THAT TIME HE TOOK LIKE A BASEBALL STANCE, A BATTER'S STANCE, AND STRUCK THE OLDER WHITE MALE IN BEHIND THE LEFT KNEE AREA AND LEFT THIGH, HE STRUCK HIM TWICE. AT THAT TIME THE OTHER TWO WHITE MALES TRIED TO GRAB HOLD OF THE BLACK MALE. A STRUGGLE ENSUED BETWEEN THE BLACK MALE AND THE SECOND AND THIRD WHITE MALES WHO WERE ATTEMPTING TO GET THE BAT. THE SECOND WHITE MALE HAD A HOLD OF THE BLACK MALE'S LEFT ARM AND THEY BOTH TRIPPED. THE BLACK MALE WAS ABLE TO GET FREE OF HIS GRIP FROM THAT STUMBLE AND TOOK A BATTER'S STANCE AND WAS ABOUT TO STRIKE THE SECOND WHITE MALE WHO WAS TRYING TO REGAIN HIS BALANCE. THE THIRD WHITE MALE THEN APPROACHED THE BLACK MALE WITH HIS RIGHT HAND EXTENDED STRAIGHT FORWARD WITH WHAT APPEARED TO BE A SMALL AUTOMATIC BLACK HAND GUN. THE THIRD WHITE MALE WAS STANDING NO MORE THAN FIVE FEET AWAY FROM THE BLACK MALE AT WHICH TIME HE FIRED THREE SHOTS WHICH STRUCK THE LEFT RIB CAGE AND THE FRONT STOMACH AREA OF THE BLACK MALE. THE BLACK MALE WAS ABOUT TO HIT THE SECOND WHITE MALE WHEN THE THIRD WHITE MALE CAME OUT FROM NO WHERE AND SHOT THE BLACK MALE THREE TIMES, THREE SHOTS THAT WERE CONSECUTIVE. I WAS OUT OF MY VAN

DEPONENT: X Kevin D. O'Donnell

DATE: 10-3-96

WITNESS: X Det J ELLMAN - 202

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Case : 96-00311

Statement of: O'DONNELL, KEVIN D

N O T I C E

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BEFORE THE SHOOTING AND I WAS TRYING TO GET BEHIND THE BLACK MALE AND TAKE THE BAT FROM HIM SO THAT HE WOULD NOT HIT ANYBODY BUT IT DIDN'T WORK OUT THAT WAY. HE GOT SHOT BEFORE I COULD GET AWAY FROM MY TRUCK. I WAS ONLY FIVE FEET AWAY FROM MY TRUCK WHEN THE BLACK MALE GOT SHOT. I WAS STANDING ABOUT TWO FEET FROM THE BLACK MALE WHEN HE WAS SHOT. HE FELL AT THE EDGE OF THE PARKING LOT ENTRANCE ON THE SIDEWALK AT ASHFORD AVENUE. THE FIRST WHITE MALE THAT WAS STRUCK WITH THE BAT WAS A GOOD TWENTY FIVE OR THIRTY FEET AWAY FROM EVERYONE ELSE AT THE TIME OF THE SHOOTING, NEAR WHERE THE BLACK CORVETTE WAS PARKED WHICH WAS IN FRONT OF THE VENICE DELI IN AN EXTREME LEFT PARKING SPOT. HE WAS HOLDING HIS LEG AND WAS HURT. AFTER THE SHOOTING I WALKED OVER TO THE BLACK MALE AND REMOVED THE BAT FROM HIS HAND WITH MY FOOT, I PUSHED IT AWAY WITH MY FOOT. THE FIRST WHITE MALE, THE ONE THAT WAS STRUCK WITH THE BAT, APPROACHED THE BLACK MALE AFTER HE HAD BEEN SHOT, HE WASN'T SAYING ANYTHING, JUST COMING UP TO HIM, AND I PUT MY HAND ON HIM AND TOLD HIM TO STAY BACK AT WHICH TIME THE DOBBS FERRY POLICE OFFICER ARRIVED. I TOLD THE POLICE OFFICER THAT THE MAN HAD BEEN SHOT THREE TIMES AND IS IN CARDIAC ARREST AT WHICH TIME I WENT WITH THE POLICE OFFICER TO THE TRUNK OF THE POLICE VEHICLE AND REMOVED THE EMERGENCY FIRST AID EQUIPMENT, AND BEGAN CPR WITH THE POLICE OFFICER UNTIL THE AMBULANCE ARRIVED. THEN I WAS ASKED IF I SAW IT BY A COUPLE OF OTHER POLICE OFFICERS AND THEY ASKED ME TO STAY AND NOT GO ANYWHERE.

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WITNESS: X Det. J. Elmer-202