

HARRISON

1 Agency Johnson City Police		2 Division/Precinct PATROL		3 ORI New York State INCIDENT REPORT NY0030300		4 <input checked="" type="checkbox"/> Orig <input type="checkbox"/> Supp		5 Case No		6 Incident No. 14-2598											
7 Report Day Mo		8 Date 03/31/2014		9 Report Time 0705		10 Day Mo		11 Date 03/31/2014		12 Time 0703											
13 Incident Type MURDER 1ST - POLICE OFFICER		17 Business Name SOUTHERN TIER IMAGING		18 Weapon(s) FIREARM																	
19 Incident Address (Street No., Street Name, Bldg. No., Apt. No.) 32 HARRISON ST						20 City, State, Zip (<input type="checkbox"/> C <input type="checkbox"/> T <input checked="" type="checkbox"/> V; Johnson City, NY 13790		21 Location Code TS0403		A 01											
22 OFF. NO.		LAW		SECTION		SUB		CL		DEG		ATT		NAME OF OFFENSE		CTS		23 No. of Victims			
1		PL		125.27		1(A)		A		Fel		1		C		MURDER 1ST - POLICE OFFICER		1			
2		PL		125.27		1(A)		B		Fel		1		A		ATTEMPTED MURDER 1ST-POLICE OFFICER		1			
3		PL		255.03		1B		C		Fel		2		C		CRIMINAL POSSESSION OF A WEAPON 2ND		1			
24		25		26		27		28		29		30		31		32		33			
VI		SMITH, DAVID W. JR, PTL		07/27/1970		31 AVENUE C, JOHNSON CITY NY 13790		RESIDENCE		RESIDENCE		RESIDENCE		RESIDENCE		RESIDENCE		RESIDENCE			
35 Type/No S		36 Name (Last, First, Middle) CLARK, JAMES P.		37 Alias/Nickname/Maiden Name (Last, First, Middle) NONE		38 Apparent Condition <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Mental Dis <input checked="" type="checkbox"/> Unk. <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj./Ill <input type="checkbox"/> App Norm		39 Social Security No.		40 Home <input checked="" type="checkbox"/> Work <input type="checkbox"/>		41 Occupation XXX		42 Date of Birth 06/12/1970		43 Age 43		44 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		45 Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.	
46 Ethnic <input checked="" type="checkbox"/> Non-Hispanic		47 Skin <input type="checkbox"/> Light <input type="checkbox"/> Dark <input checked="" type="checkbox"/> Unk. <input type="checkbox"/> Medium <input type="checkbox"/> Other		48 Occupation XXX		49 Height 5 10		50 Weight 145		51 Hair Bro		52 Eyes Haz		53 Glasses <input type="checkbox"/> Yes <input type="checkbox"/> Contacts <input type="checkbox"/> No		54 Build <input checked="" type="checkbox"/> Small <input type="checkbox"/> Large <input checked="" type="checkbox"/> Medium		55 Employer/School Southern Tier Imaging		56 Address 32 Harrison St, Johnson City	
57 Scars/Marks/Tattoos (Describe) unknown		58 Misc. Deceased		59 Victim or Suspect No.		Property Status		Property Type		Quantity Measure		Make or Drug Type		Model		Serial No		Description		Value	
60 Vehicle Status		61 License Plate No		62 State		63 Exp. Yr.		64 Plate Type		65 Value		66 Veh. Yr.		67 Make		68 Model		69 Style		70 VIN	
71 Color(s)		72 Towed By To		73 Vehicle Notes																	
74 SEE INVESTIGATIVE REPORTS.																					
75 Inquiries (Check all that apply) <input type="checkbox"/> DMV <input type="checkbox"/> Want/Warrant <input type="checkbox"/> Scofflaw <input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other		76 NYSPIN Message No		77 Complainant Signature		78 Reporting Officer Signature (Include Rank) SGT. MASON		79 ID No 106		80 Supervisor's Signature (Include Rank)		81 ID No		82 Status <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (Closed, check box below) <input type="checkbox"/> Unfounded <input type="checkbox"/> Victim Refused to Cooperate <input type="checkbox"/> Arrest		83 Status Date		84 Notified/TOT		85 Page of 2	

113

PROPERTY

NARRATIVE

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CITY OF BIRMINGHAM
38 HAWLEY STREET

Lead #
2

POLICE DEPT.

1 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION

32 Harrison street Johnson City

OFFICER	CASE NUMBER	DATE
	14-8886	03-31-14

Responded to above location on a report of shots fired. While enroute to location units were advised by the BPD desk that there was a JC car on scene and that this incident may possibly be an active shooter. Upon arrival, it was learned that this incident was an officer involved shooting with an officer down. Suspect was secured at scene and quickly removed. At this time i assisted with locating possible witnesses and securing the scene. Shortly after, i was advised by Opt. Ryan to assist JC officer Cioci and remain with him. I was then instructed to respond with cioci to JC Headquarters.

[REDACTED]

OFFICER'S NAME, RANK, & I.D.

[Handwritten Signature]

J. SPANO

APPROVED BY

[Handwritten Signature] 58110

SUPPLEMENTARY POLICE REPORT

Johnson City Police Department Detective Division
14-02598 Homicide Investigation
Sgt. Edward O'Hara
Lead #3 & 4

3/31/2014

On the above date, Sgt. O'Hara obtained photographs of Ptl. Cioci while at JCPD HQ. ~~_____~~ damage to his uniform and his overall condition were documented in these photographs. Those photographs were submitted and secured into JCPD evidence. See the attached evidence submission report for details.

On the above date, Sgt. O'Hara also obtained and secured Ptl. Cioci's duty weapon and secured it as evidence. See the attached evidence submission report for details.

ORIGINAL

Lead to
5

Case # 14-08886
Binghamton Police Department
Crime Scene Unit Supplement
32 Harrison St. JC NY 13790
x-ref JCPD 14-02598

Notification- On 3/31/2014 I was contacted by Lt. Burnett at my residence. He stated there had been an officer involved shooting and the Crime Scene Unit was needed to respond. I arrived at HQ and met with Inv Griffin. There was no new confirmed information available and we responded to the Johnson City Police Department and met with BPD detective Capt. Collins. He advised us that JCPD officer DW Smith had been shot in the head and was most likely deceased. We responded to the scene at 32 Harrison St Johnson City. Officer Smith and the suspect were removed from the scene and taken to Wilson Hospital prior to our arrival.

Scene -- Inv Griffin and I responded to the area of Harrison St. in Johnson City NY. There is snow on the ground in the non paved areas and the ground is wet. The weather is cold and cloudy. Harrison St. runs north and south with Wilson Hospital on the east side of the street. The main entrance to the hospital faces west. There are numerous medical buildings and offices in the immediate area. The scene was flooded with officers from various agencies, including but not limited to, Binghamton Police, Broome County Sheriff's Office, State Police, and the Endicott police Department bomb squad.

_____ We are also advised that the suspect's vehicle is located on Hudson St., which is one block west of the scene.

_____ Evidence Technician M. Stebbins from the BCSO also responds to assist. An area in the middle of the street was secured and taped off with crime scene tape. In the area were several vehicles, two police cars, and an ambulance in the middle of the roadway. We spoke to BPD Captain Ryan and he gave us a brief synopsis and a walk through of the area.

He reports that the suspect, identified as James Clark, arrived at work at Southern Tier Imaging. He is distraught and claims there is a bomb in the building. Police are called and Officer DW Smith is the first on scene. As Smith is exiting his vehicle, he is attacked by Clark. The suspect, Clark, is able to get Smith's gun and shoots him twice in the head. Officer Cioci arrives and witnesses the shooting. He engages the suspect shooting him several times. Officer Smith and the suspect Clark were removed and taken into the Emergency Room at Wilson hospital. There were numerous witnesses to the shooting.

As we walk through the area Capt Ryan points out several items of evidence. We enter the scene from the north end of the street and officer Cioci's police vehicle is parked along the west side of the street facing south and is running [redacted]. There are two vehicles parked at meters in front of, or south, of Cioci's vehicle. The first vehicle, (V-1) is [redacted]. The second (V-2) is a [redacted].

[redacted] In that immediate area several shell casings were located on the ground.

Continuing south on Harrison St., located at the address of 32-36 Harrison St is the business, Southern Tier Imaging. The building sits on the west side of the street and faces east. Southern Tier imaging is the place of employment of the suspect, James Clark. Directly in front of this building along the curb line there is wet and apparent blood stained clothing. It appears ripped and torn being consistent when medics remove the clothing. On the curb there is red staining. Next to the clothing, on the sidewalk apron, are medical bags. A vehicle is parked at a meter south of the clothing. This vehicle, (V-3) [redacted]. Officer Smith's police vehicle is in front of that slightly away from the curb with the door open and engine running ([redacted]). In front of [redacted] there is another vehicle parked at the meter. It is [redacted].

Between the area of the clothing and Officer Smith's vehicle are numerous shell casings scattered around along with a handgun. It's observed that the handgun was a glock .40 caliber model 22. The slide is open and locked with a magazine in the gun. The serial number is recorded as [redacted]. Adjacent to Officer Smith's vehicle there is a large apparent pool of blood. The ambulance is parked south of [redacted] facing south in the middle of the road. It is a Superior ambulance with NY registration [redacted].

Officer Smith's vehicle has a broken rear windshield, and a hole in the driver's side rear door which are consistent with an ammunition rounds.

[redacted]

[redacted]

Video of the scene begins at 08:56.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Processing- Evidence is marked with placards and photos are taken throughout the processing.

At 10:00 information is received from Inv Woody that on the east side of the street parked in the horseshoe of Wilson Hospital valet entrance, a white UHS van was parked. At the time of the shooting it was further north of where it was parked now and was directly across from Officer Smith's car. It had been moved prior to our arrival.

At 10:50 Inv Griffin and M. Stebbins are requested to leave the scene and attend the autopsy of Officer Smith and James Clark at Wilson Hospital Pathology.

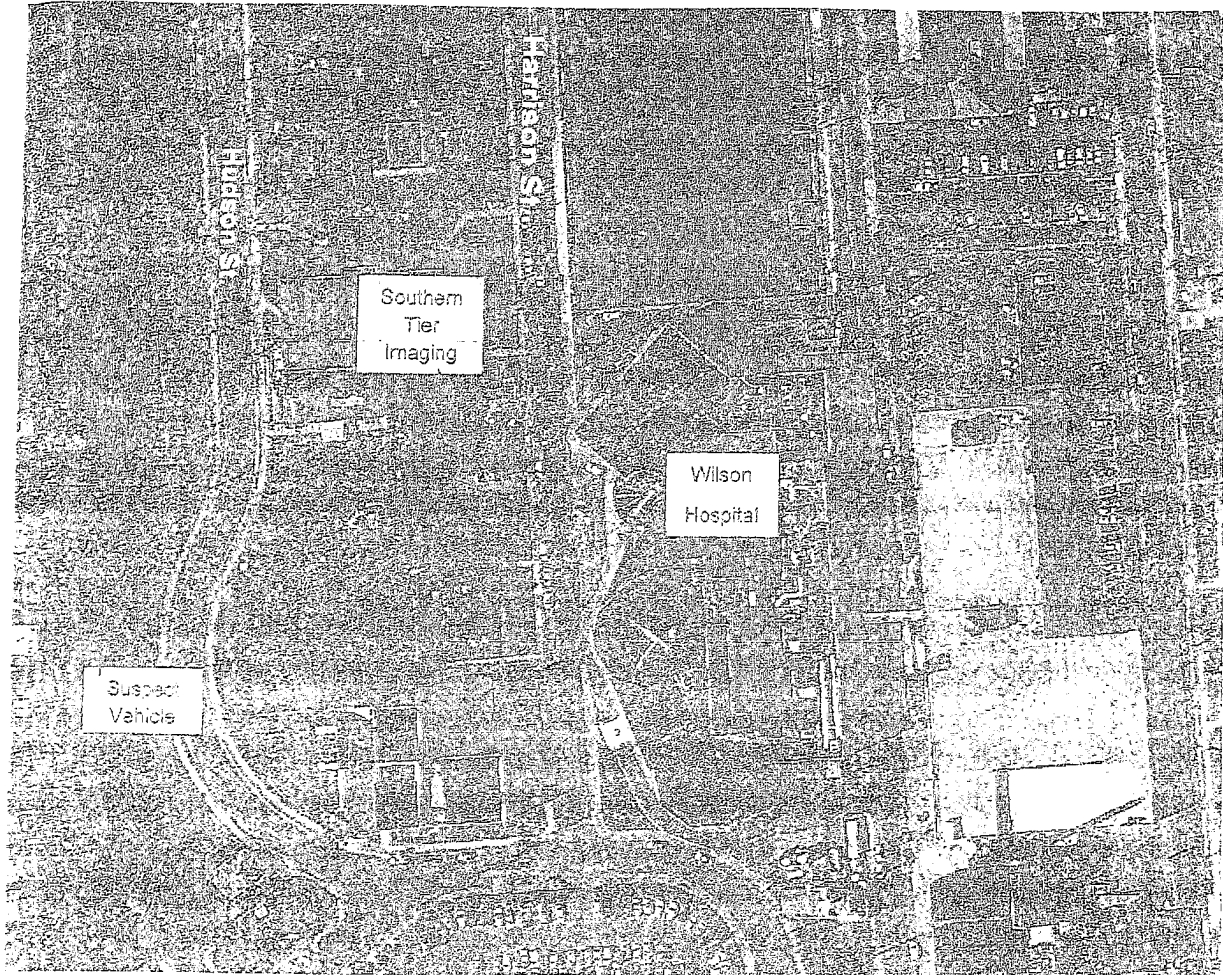
[REDACTED]

Several small defects were also observed in the road that were possibly strike or impact marks from ammunition rounds.

Snow is cleared and melted in an attempt to locate any additional projectiles or shell casings with negative results.

Officer Cioci's vehicle is removed and taken to JCPD.

At 12:57 U-Save towing was requested to remove [REDACTED] to be taken to the West Street secure garage. Ptl. Seidel was requested to escort the tow truck.



3/31/2014 @ 13:36

At the above date and time I responded to Hudson St. where the suspect's vehicle was located. Hudson St is located west of the crime scene and also runs north and south. On scene with the vehicle are Ptl. Charpinsky and Ptl. Groover. The area is mostly parking lots for area employees. The lot where the vehicle is located is designated as Wilson Square @ Wilson place. The vehicle is located toward the back and parked against the normal parking spaces. It is _____

There is a _____ The vehicle has minor area of rust. There are dents and damage to the front driver's side quarter panel with a broken driver's side headlight. The driver's side passenger door is unlocked. _____

_____ the vehicle was photographed and its condition documented a tow truck was requested to remove the vehicle. U-Save responded and _____

Pt. Chardinsky was advised to escort the tow truck to the JCPD headquarters for further processing.

3/31/2014 @ 14:45

At the above date and time I assisted EPD Detective S. Alston at 32-36 Harrison St., Southern Tier Imaging. Alston, [REDACTED]

[REDACTED]
These items were photographed and collected. Also a set of keys was located and the Operations manager, [REDACTED] believed they belonged to James Clark. These were also collected and photographed.

Johnson City Fire Department was requested to assist in the cleaning of the street. At 14:59 the scene was cleared and the street was reopened.

Inv. A.H. Demer

Inv. J.Griffin



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 6

Case #: 14-8,896

Assigned to: INV Peters

Date: 3/31/14

LEAD NUMBER 6- Search Warrant for [REDACTED]

INVESTIGATION AND ACTION TAKEN 3/31/14

Created a search warrant for [REDACTED]. The vehicle is a [REDACTED] vehicle was located in the [REDACTED] employee parking lot on Hudson Street. LT Burnett notified me via telephone that [REDACTED] confirmed that he is the primary operator of the vehicle. I completed an application for the search warrant and presented it to Judge Joseph Cawley. He reviewed the application and signed the warrant. The original signed warrant and application were turned over to the Lead Desk.

INV PETERS

SEARCH WARRANT

COUNTY COURT, BROOME COUNTY, NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK, AND
PURSUANT TO THE AUTHORITY OF ARTICLE 690 OF THE CRIMINAL
PROCEDURE LAW OF THAT STATE:

TO: ANY SWORN OFFICER OF THE DIVISION OF THE STATE POLICE
OF THE STATE OF NEW YORK, ANY SWORN DEPUTY OF THE BROOME
COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF THE POLICE
DEPARTMENT OF THE CITY OF BINGHAMTON, ANY SWORN OFFICER OF
THE CHENANGO COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF
THE POLICE DEPARTMENT OF THE VILLAGE OF JOHNSON CITY, THE
BROOME COUNTY DISTRICT ATTORNEY'S OFFICE, THE BROOME COUNTY
GOVERNMENT SECURITY DIVISION "CATS" UNIT, AND ANY MEMBER OF
THE FEDERAL BUREAU OF INVESTIGATIONS.

An application in writing having been made before me this
day by Inv Carl R. Peters indicating that there is
reasonable cause to believe that property of a kind or
character referred to in Section 690.10 of the Criminal
Procedure Law, and more particularly described in said
application, may be found in or upon the place, premises,
vehicle, person or persons described therein,

YOU ARE HEREBY AUTHORIZED, BETWEEN THE HOURS OF 6:00 AM AND
9:00 PM, AND WITH GIVING NOTICE OF YOUR AUTHORITY AND
PURPOSE, TO SEARCH THE FOLLOWING STRUCTURE(S):

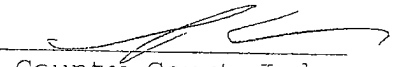
A ~~_____~~
~~_____~~

FOR THE FOLLOWING PROPERTY:

Any firearms and ammunition, bombs, bomb making
devices, or explosive materials. Any computers,
tablets, cellular phone, memory cards, external hard
drives, and media devices with storage capabilities.
Any periodicals, correspondence, journals, writings,
etc. Any medications, medical documents, discharge
or diagnosis documents, or any other evidentiary
items that may hold value in the homicide of PTL
David W. Smith.

AND YOU ARE HEREBY DIRECTED to bring any such property seized pursuant to this Warrant before me at this office in the City of Binghamton, Broome County, New York, without unnecessary delay.

Issued at Binghamton, New York
this 31 day of March, 2014
at 12:41 ~~A.M.~~ P.M.


County Court Judge
County of Broome,
State of New York



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 11

Case #: 14-8,886

Assigned to: INV Peters

Date: 3/31/14

LEAD NUMBER 11- Interview

INVESTIGATION AND ACTION TAKEN 3/31/14

Responded to the Johnson City Police Department Detective Division. CAPT COLLINS directed me to interview one several witnesses that were already there. I spoke to _____ in Interview Room 2. She stated she works at Southern Tier Imaging with James Clark. _____ said she is _____ and Clark is an MRI technician. She stated she has worked there since _____, and Clark was there when she started. _____ said she works with Clark five out of ten scheduled days, and he has always been friendly and funny. She said she has never seen erratic behavior from him.

_____ stated she arrived at work at 7:00 AM today. She said Clark greeted her at the door. She said he yelled to her that she needed to call _____.

_____ said Clark told her _____ (other technicians) had guns and bombs. _____ said she called _____ but the call got dropped. She said she then realized that Clark was having a psychiatric episode and there was no other danger.

_____ said Clark ran up and down the hallway repeating that there were guns and bombs, and it was going to affect the magnets. She stated the _____ told her that she called the police and an ambulance, and _____ told her to keep Clark in the back. _____ said Clark was running around the rear of the facility locking doors, and holding a chair as if he was fending off an imaginary threat. She said he was repeating the same things about guns and bombs. Scott said their _____ entered through the back door. She said _____ also entered. _____ said Clark started yelling the same things to them. She said she ordered them all to leave.

_____ said _____ arrived and Clark met her at the door with the chair in his hands. She said they tried to rationalize with Clark, who kept repeating the same things. _____ said Clark saw a Johnson City Police patrol car southbound on Harrison Street. She said he had difficulty getting through the side door, but when he did he ran to the police car. _____ said she ran after Clark. She said Clark ran to the police car, which had parked on Harrison Street, just south of the building. _____ said Clark and the officer were wrestling as soon as the officer exited his vehicle. She said Clark was on top of the officer with the officer's gun within seconds. _____ said she heard at least two shots fired. She said she looked away at that point. _____ she was about 15 feet from Clark, on the roadway behind the police car.

_____ said Clark then ran past her with the gun in his hands. She said he fired the gun several times as he ran northbound on Harrison. She said she did not think that he was

aiming at anything in particular. _____ said he ran past her, east of her in the roadway. She said something struck her cheek, as he ran by. She said it caused a burning sensation and she was left with a small laceration. _____ said he was yelling something as he ran, but she could not understand him. She said she believed he fired four more shots as he ran.

_____ stated she saw another Johnson City Police vehicle closer to Main Street with a bald officer standing near it. She said she heard approximately two more shots. _____ said when she looked back towards Clark, he was laying on the ground in the roadway. She said a valet parker from Wilson and the Johnson City officer were standing over him. _____ said she remained outside until two ambulances arrived on the scene.

SUPPORTING DEPOSITION Secured a deposition from _____ containing the above information. The original deposition was turned over to the Lead Desk.

INV PETERS



STATE OF NEW YORK COUNTY OF BROOME
CITY COURT CITY OF BATHAMPTON

B P D Case # _____

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

James Clark
DEPENDANT

DOB _____

_____, AS FOR A SUPPORTING DEPOSITION,
IN CONNECTION WITH AN (INFORMATION / MISDEMEANOR COMPLAINT / FELONY
COMPLAINT) FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEPENDANT,
DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT:

I am _____ years of age, born _____ in _____
I am employed at Staples Jim Dandy at 32-36 Harrison Street in Johnson City.
I am a _____ and I have been working there since _____ James Clark
is an inmate at son facility. He has been working there longer than I have. I work
with him 5 out of 10 days on average. Clark is always friendly and funny, and I have
never seen any erratic behavior from him.
I arrived at work at 7:00 PM. I let myself in and Jim greeted me at the
door. Jim started yelling to me that I need to call
He said that _____ had guns and bombs. He kept
saying that they were going to take the guns and bombs into the magnet room. I
called _____ and started to tell him that _____ had guns. The call got dropped.
Jim continued to repeat the same things. He was running up and down the hallway.
I called _____ back and told him that it was just Jim.

The above allegations are made on direct knowledge (and upon information and
belief), with the sources of the Complainant's information and the grounds for his belief
being:

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE
STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO
KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH
PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed on this
31 day of March, 2014

Subscribed and sworn to before me this
_____ day of _____, 20____

deponent

Law Carl Peters

STATE OF NEW YORK : COUNTY OF BROOME
CITY/FAMILY COURT : CITY OF BINGHAMTON

BPD CASE # _____

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

SUPPORTING DEPOSITION

DEFENDANT _____ D.O.B. _____

_____, AS FOR A SUPPORTING DEPOSITION, IN CONNECTION WITH AN (INFORMATION MISDEMEANOR COMPLAINT / FELONY COMPLAINT) FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT, DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT:

I am _____ years of age, having been born _____ in _____
Today, MARCH 31, 2014 AT ABOUT 7:00AM, I WAS WORKING AND EMPLOYED BY SUPERIOR AMBULANCE SERVICES AND STATIONED OUT OF WILSON HOSPITAL. AT 7:07AM I CALLED IN TO OUR DISPATCH FOR INFORMATION ABOUT A CALL TO SOUTHERN TIER IMAGING. I WAS ON THE

AND WE WERE RESPONDING FOR _____
WE STAGED AT WARGHIEEN, CROSSED THE STREET AND PROCEEDED DOWN HARRISON STREET TOWARDS SOUTHERN TIER IMAGING. WE WERE ABOUT 75 YARDS FROM SOUTHERN TIER IMAGING WHEN I HEARD SEVERAL GUNSHOTS. THERE WERE POLICE OFFICERS ON SCENE AND THEY HAD PREVIOUSLY DROVE BY US AS WE WERE BEING DISPATCHED FROM WARGHIEEN'S. WHEN I HEARD THE GUN SHOTS, I STOPPED THE AMBULANCE AND I CALLED DISPATCH. I ADVISED DISPATCH OF THE SHOTS FIRED AND AN OFFICER DOWN. I OBSERVED A POLICE OFFICER STANDING AT HIS OPEN DRIVER'S DOOR AND HIS PATROL UNIT WAS PARKED AT THE CURB ON HARRISON STREET, NEAR SOUTHERN TIER IMAGING. I HEARD THE GUN SHOTS AND SAW THE OFFICER FALL AWAY FROM HIS CAR TO THE CURB. I WATCHED PEOPLE COME OUT FROM SOUTHERN TIER IMAGING AND THEY WANTED TO US TO COME DOWN. WE CONTINUED

The above allegations of fact are made on direct knowledge (and upon information and belief), with the sources of Complainant's information and the grounds for his belief being:

DIRECT KNOWLEDGE

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE

Signed and affirmed this
31 day of MARCH, 2014

Subscribed and sworn to before me this
31 day of MARCH, 2014

Deponent

WILLIAM J. KURTZMAN
Witnessing Officer


TO THE SCENE AND PULLED THE AMBULANCE JUST PAST THE OFFICER THAT WAS SHOT AS WE EXITED THE AMBULANCE, I SAW THAT THE ADORNMENT SUSPECT WAS IN CUSTODY. I GOT THE STRETCHER OUT OF THE AMBULANCE AS MY PARTNER CHECKED THE OFFICER'S PULSE. WHEN I SAW THE OFFICER, I SAW A LARGE POOL OF BLOOD AND INSTEAD OF ABOUT 5 PEOPLE, THE OFFICER WAS PLACED ON THE STRETCHER. SOMEONE APPLIED PRESSURE TO HIS HEAD WITH A TOWEL TO CONTROL BLEEDING. WE WHEELED THE OFFICER FROM THE STREET INTO THE WILSON HOSPITAL E.R., ROOM 3K. WHEN I OBSERVED THE ADORNMENT SUSPECT HE WAS ALONG THE EDGE OF THE STREET, BEHIND THE POLICE CRUISER, AND HE WAS LYING ON THE GROUND WITH SOMEONE RESTRAINING HIM. I DID NOT SEE WHO WAS SHOOTING AND I COULD ONLY HEAR THE GUN SHOTS. I COULD NOT DESCRIBE THE SUSPECT BECAUSE I WAS FOCUSED ON THE OFFICER THAT WAS DOWN. I DON'T REMEMBER IF THERE WERE ANY GUNS ON WHEELS AROUND THE SCENE.

NOTICE

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Signed and affirmed this
31 day of MARCH, 2014



Deponent

Subscribed and sworn to before me this
31 day of MARCH, 2014

W. KUNZMAN
Witnessing Officer



CITY OF BINGHAMTON POLICE DEPARTMENT
DETECTIVE BUREAU SUPPLEMENTARY REPORT



Lead sheet number 12

Supplementary report, Binghamton Police case number 2014-8886
(Johnson City Police case number 2014-2598)
Homicide
32-36 Harrison Street, Johnson City
March 31, 2014
Investigator R. Kunzman

Investigation and actions taken on March 31, 2014

I was assigned to interview witnesses from the incident at 32-36 Harrison Street in the Village of Johnson City.

Interview of _____ March 31, 2014

I spoke with _____ at the Johnson City Police Station in Detective Interview Room 1. _____ is an EMT and is employed by Superior Ambulance Services located at 46 Exchange Street, Binghamton New York 13901.

_____ said that Superior Ambulance Services is contracted by Southern Tier Imaging to provide transportation for their patients and he was working with his co-worker _____ at that time. They were stationed at Wilson Hospital and staged in the Walgreens parking lot on Main Street. _____ said that was asked to contact their dispatcher by phone regarding a call to Southern Tier Imaging.

_____ said that he observed two police cars go by them and turn down Harrison Street as they were pulling out of the Walgreens parking lot. He said that he thought someone must really be going crazy if the police were going also.

_____ advised that they were driving down Harrison Street towards Southern Tier Imaging when he heard several gunshots. _____ that when he heard the gunshots, he observed a police officer standing at his open driver's door and fall away from the car, to the ground. He said that the patrol car was parked at the curb in front of the imaging center. He said that he stopped the ambulance about 75 yards from the imaging center and he called dispatch to report that there were shots fired and an officer down.

_____ stated that he saw people coming out of the imaging center and they were waving for them to come down to the scene. He observed that the apparent suspect was in custody and he pulled the ambulance just past the down officer, stopping in the street. _____ said that he removed the stretcher from the ambulance as _____ was checking the officer's pulse.

_____ described seeing a large pool of blood as he was assisted by about five people in lifting the officer onto the stretcher. Someone applied pressure to the officer's head with a towel to control the bleeding and he was wheeled across the street to the Emergency Room, Room 3A.

_____ could not describe the suspect and said that he saw him being restrained on the ground, along the edge of the street and behind the police cruiser. He didn't remember observing any weapons at the scene and he stated that he was focused on the injured officer.

The supporting deposition that I secured from _____ as handwritten and I turned it in to Lieutenant M. Burnett. The hand written supporting deposition is attached and made part of this report.

Superior Ambulance Services, (607) 772-1457
46 Exchange Street
Binghamton, NY 13901

Investigator R. Kunzman

STATE OF NEW YORK : COUNTY OF BROOME
VILLAGE COURT : VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

- VS -

SUPPORTING
DEPOSITION

DEFENDANT(S)

On March 31st 2014 at 8:44 AM AM/PM, I [Redacted]
Date Time Started Full Name
[Redacted] [Redacted] [Redacted] [Redacted] [Redacted]
Date of Birth Street Address Town/City State Zip

state the following:

[Redacted] At Approx 7AM today I was
working on the Ambulance crew, we responded to a call on 32 Harrison St JL NY for
officer Down Multiple Gunshots. Upon Arrival there was multiple police cars, at the scene
an officer directed ^{me to} a person on the ground lying supine.
[Redacted]
[Redacted]
[Redacted] E was actually quite
quiet, no screaming I would think he would be in pain. We gave him oxygen and
put him on a stretcher and wheeled him across the street to the E.R. at Wilson Hospital
I remember at the scene there was alot of talk about crime scene preservation, there was
lot of people walking everywhere. There was probably a 1/2 liter of blood on the ground
I remember seeing a black semi automatic gun on the ground which was still on the ground
when we went to the ER. I guess I dont really know if it was a semi automatic.

NOTICE

(Penal Law, Section 210.45)

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OR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT,
OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

signed and Affirmed this
31st day of March, 2014
(or)
subscribed and Sworn to before me this
_____ day of _____, 2014

Title

[Redacted Signature]
DEPONENT

WITNESS

[Redacted Signature]
Name of Officer Taking Deposition



Broome County Sheriff's Office
Investigative Report
BCSO Case # 2014-4458
Associated Case #

Case Information

Assigned Officer: Detective Deborah Phelps
Offense Date/Time: 3/31/14
Offense Location: 32 Harrison St., V/Johnson City
Offense Type: Assist Agency

On 3/31/14 I was ordered to respond to JCPD, to assist Johnson City Police Department in debriefing witnesses in an Officer involved shooting. Upon arrival, I took sworn, written statements from two witnesses, [REDACTED]. I turned over the statements to the lead desk, and then Detective Harder and I responded to the Broome County Office building, where we notified [REDACTED]. We then took a written statement from [REDACTED]. [REDACTED] That statement was also turned over to the Lead Desk, Sgt. Hozempa.

STATE OF NEW YORK : : COUNTY OF BROOME
VILLAGE COURT : : VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

- 15 -

SUPPORTING
DEPOSITION

DEFENDANT(S)

On 3/31/14 at 8:45 AM PM, I [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Date of Birth Street Address Town/City State Zip

state the following:

Today I was leaving work - I am a [REDACTED] - at 7:00 AM.
I park on [REDACTED] St., in front of The MRT building. I had to brush the snow off my car and then I got in, and called my mother on my cell phone. I pulled out of my spot and used the Hospital turnaround to head north up Harrison. As I was turning around I saw two black and white police cars pull into the spot I just left. I looked in my rearview mirror and I saw a man running towards the police car. I don't know what direction or where he came from. I looked at the road and then back in my rearview mirror and I saw the man practically inside the cop car, driver's door - on top of the cop. It looked like he was punching

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Subscribed and Affirmed this
31 day of March, 2014.
Subscribed and Sworn to before me this
 day of , 20 .
Title

[REDACTED]
DEPONENT
WITNESS
Detective Abraham Chiffo

VOLUNTARY STATEMENT
(continued)

Page 2

Statement of: _____

and swinging on the cop. I was saying "Oh my God" to my mother and then I heard 4 or 5 gunshots. I told my mother "Shots are being fired" and she yelled at me to get away. I drove north on Harrison and pulled into the 'EXIT' of the parking lot and got off the street. I was driving through the lot and I heard at least 3 shots. I pulled out of the parking lot and parked back on Harrison St. There was another police car there. I hung up with my mother - the whole thing only took 4 minutes. I got out of my car. I saw a VHS security guard - He told me to leave, but I told him I was a witness. He told me to wait, so I did. Then a cop came. They drove me to the station.

STATE OF NEW YORK COUNTY OF BROOME
VILLAGE COURT VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

DEFENDANT(S)

On 3/31/14 at 8:46 AM I, [Redacted]
[Redacted] [Redacted] [Redacted] [Redacted]
Date of Birth Street Address Town/City State Zip

state the following:

At approximately 7:00 am on 3/31/14, I went to Wilson Hospital in Johnson City NY to see my mom. I parked on Harrison Street just north of the Decker Center, facing south on the west side of Harrison St. There was a black & white police car parked directly in front of me, also facing south. There was a police officer sitting in the car, there was a second police car across the street about three cars ahead of the other police car. There was a police man sitting in that car also. I then saw an individual run from the direction of broken tire imaging, he ran behind the police car and ran toward the policeman's front door. The next thing I saw was that person fighting with that policeman. He was punching the officer and it looked like he was getting the upper hand. The cop in front of me jumped out of his car and started running to help.

- Continued -

NOTICE (Penal Law, Section 210.45)

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Subscribed and affirmed this 31 day of March, 2014
Subscribed and sworn to before me this 31 day of March, 2014

[Redacted Signature Area]

DEPONENT

[Signature]
WITNESS

Title

Name of Officer Taking Deposition

STATE OF NEW YORK COUNTY OF BROOME
VILLAGE COURT VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

- 15 -

SUPPORTING
DEPOSITION

DEFENDANT(S)

On 3/31/14 at 8:46 AM PM, I [Redacted]
[Redacted] Time Spent [Redacted] Full Name [Redacted]
[Redacted] Date of Birth [Redacted] Street Address [Redacted] Town/City [Redacted] State [Redacted] Zip [Redacted]

state the following:

Page 2 continues
As the other cop was running to help, I heard
a gunshot. As I heard that first shot, I saw
the cop who was initially fighting with the individual
go flying to the ground. Then, the guy who was
fighting with the cop then came running towards
me. I then heard about three more gunshots,
I think the guy was running away with shooting at
the other cop. The cop was shooting at
him. I saw someone else go down to the ground
but I can't say who because I was quickly
backing my car up to get out of the way. Shortly
afterwards, numerous police cars and vehicles arrived
to help.

NOTICE

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FOR A PERSON, BY AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT,
OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Subscribed and Affirmed this
11 day of March, 2014
Subscribed and Sworn to before me this
11 day of March, 2014
Title

[Redacted]
DEPONENT
[Redacted]
WITNESS

STATE OF NEW YORK COUNTY OF BROOME
VILLAGE COURT VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

- VS -

SUPPORTING
DEPOSITION

DEFENDANT(S)

On 3-31-14 at 8:45 AM (AM/PM, I) [Redacted]
Date Time Started Full Name
[Redacted]
Date of Birth Street Address Town/City State Zip

state the following:

On the MORNING of March 31, 2014 at about 7:44 AM I was DRIVING to work at 46 HARRISON ST. in Johnson City, NY. AS I TURNED OFF OF MAIN ST onto HARRISON ST I saw A Police car PARKED on the Right Side of HARRISON ST. I also saw a Police officer standing next to the Police car. The Police officer was Facing the bottom of the hill. I saw another man he was standing about a car length away from the Police officer and he was Facing the officer. I then heard what I believe was Four or Five gun shots. I then stopped my car and put it in Park and ducked down in my car for about a minute and a half. when I looked up I saw people running towards where I saw the Police officer and man standing. I then made a left turn into the ER parking lot. I did not see which person was holding the gun or who fired the gun. The man talking to the Police officer did not appear to be wearing a hat, he appeared to be wearing street clothes. I did not recognize him.

NOTICE
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Subscribed and Affirmed (or) sworn to before me this
31 day of March, 2014
(or)
Subscribed and Sworn to before me this
31 day of March, 2014
Title

[Redacted Signature]
DEPONENT

WITNESS
Im. MD Schuch

STATE OF NEW YORK COUNTY OF BROOME
VILLAGE COURT VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

- VS -

SUPPORTING DEPOSITION

DEFENDANT(S)

On March 31st 2014 at 916 AM [Redacted]
[Redacted] Full Name
[Redacted] Street Address [Redacted] Town/City [Redacted] State [Redacted] Zip

ate the following:

[Redacted] Today I was working and
responded to a call on Harris St. Upon arrival I saw a male prone with his
hands handcuffed behind his back. I got gear from my ambulance and he was turned on
his back. I went there to manage his airway he was given oxygen and I put a collar
on him.
[Redacted]
[Redacted] When we got him on the stretcher somebody said "watch the
a, sent mess up the crime scene" I saw a black handkerchief in the trunk.
He wheeled him into the ER at Wilson hospital, we went around the corner
the patient did not talk on the way over.

NOTICE

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FOR A PERSON TO AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT,
OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Subscribed and Affirmed this
1st day of March 2014

[Redacted Signature]
DEPONENT

Subscribed and Sworn to before me this
day of _____, 2014

WITNESS
[Redacted Signature]

Title

BINGHAMTON POLICE DEPARTMENT

DETECTIVE DIVISION SUPPLEMENTAL REPORT

Inv. Jeffrey Wagner

BPD CASE# 14-8886

ICPD # 14-2598

LEAD#19

SOUTHERN TIER IMAGINING EMPLOYEE INTERVIEWS

On March 31, 2014, myself, Inv. Sine and Inv. Legos-Williams were assigned to interview STI employees that worked with the suspect in this case.

We reonded to the STI, in Vestal, at the new UHS building on the Vestal Parkway to conduct these interviews.

[REDACTED]
[REDACTED]
[REDACTED] She stated that she has been employed by STI for approximately ten years and that she believes Clark has been employed there for about that same amount of time.

When asked about Clark's demeanor, [REDACTED] said that he seemed nice, was pleasant and liked to joke around. [REDACTED] said that she was basically friends, with Clark, while at work.

The last time she saw Clark was last week, on Wednesday or Thursday, while at the Vestal, STI Office. She described him as being normal and relaxed and said that he never seemed uptight about anything.

[REDACTED] said she knew of no issues Clark may have been having outside of work.

[REDACTED] had nothing of further value to add.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] STI [REDACTED] stated that she started her employment there in

[REDACTED] described Clark as a happy guy, a jokester who made people laugh. She said Clark would talk about his wife and child and everything seemed to be good.

[REDACTED] said that the last time she interacted with Clark was last Friday, and all seemed fine with him.

[REDACTED] also added that [REDACTED], who is also an employee at STI, seemed close to Clark.

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] STI. He has been employed there for nine years.

[REDACTED] said that he was not close with Clark, but Clark did seem friendly and pleasant.

[REDACTED] further said that the last time he saw Clark was about two weeks ago, at the Johnson City, STI, and Clark seemed fine to him.

[REDACTED] did not know anything about Clark's family or who may be close to him.

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] STI and has been employed there since 2007.

[REDACTED] described Clark as a normal guy who was goofy and upbeat. He said he is only a work acquaintance of Clark.

[REDACTED] said that he knew of no family issues that Clark may be having.

He also said that Clark liked to golf and that the last time he saw Clark was sometime last week, at the Johnson City office, and everything appeared fine with Clark.

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED] STI and has been employed there for thirteen years.

[REDACTED] said that Clark started his employment sometime after she did. She described Clark as a well rounded, very funny person who was always making jokes. She said that everyone at STI liked him.

[REDACTED] said that Clark would always talk good about his wife and son. She said that there appeared to be no issues there.

[REDACTED] said that Clark showed no behavior that would raise any red flags.

She said that Clark was into gardening and was a New Orleans Saints fan.

The last time she saw Clark was last Thursday, at the Vestal STI, and everything appeared normal with him.

She was unaware of any friends Clark may have outside of work.

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED] STI and has been employed there since 1993.

[REDACTED] described Clark as a very nice guy and family oriented who never raised his voice to anyone. He said that Clark was a golfer, hunter and fisherman.

[REDACTED] said that he last saw Clark early last week and that everything seemed fine and Clark talked about golf.

[REDACTED] was not aware of any friends Clark may have outside of work.

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED] STI and has been employed there since 2003.

[REDACTED] said Clark was always pleasant in their interactions. She said she last saw him on Friday, and that they talked about Clark's son doing homework and the missing plane from Malaysia. Another STI employee, brought up Clark's wife and [REDACTED] 'd to Clark how nice she (Clark's wife) was and Clark replied that, "she's a keeper".

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] STI and her employment started in 2012.

[REDACTED] said she only spoke with Clark a couple of times and that Clark seemed very nice. She described him as being good with the patients and staff at STI.

She said the last time she saw Clark was last Thursday, at the Vestal STI, and Clark appeared normal.

She did not know anything about Clark's personal life.

[REDACTED] had nothing of further value to offer.

[REDACTED]

[REDACTED]

[REDACTED] and has been employed there since 2013.

She described Clark as being very nice, funny and positive.

She said that she knew [REDACTED] and that Clark's wife travelled a lot. She also said that Clark [REDACTED] She said that Clark seemed to love his family.

She said that she knows Clark likes to look at cars, on the internet, while he is at work.

She also said that she does not know of who Clark may be close to and that he seems to get along with everyone at work.

She last saw Clark on the previous Friday and everything seemed normal. She said there were no red flags concerning Clark's behavior.

[REDACTED] had nothing of further value to offer.

[REDACTED] and has been employed there for twenty years.

[REDACTED] said she just knew Clark from work and described him as nice and very funny. She said that if someone was having a down day, you talked to Clark to cheer up.

She said that Clark did talk about his son and recently spoke about a pair of sneakers his son was waiting for that were ordered. She said she did not know of any issues Clark may have at home.

[REDACTED] said that Clark was kind and gentle with patients at STI.

She said there were no red flags concerning Clark's behavior.

[REDACTED] had nothing of further value to offer.

[REDACTED]
[REDACTED]
[REDACTED] STI and his employment started two and a half years ago.

He described Clark as a normal person, who is well liked, and has a son and a wife. He was not aware of any family issues Clark may have had.

He said he saw Clark last week and everything appeared to be fine.

[REDACTED] nothing further to offer.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] STI and has been employed there since 2013.

[REDACTED] said that Clark was a nice guy and got along with everyone. He said Clark talked about his wife and son and everything appeared to be good in his family relations. He said he knew Clark liked to golf.

[REDACTED] said there were no red flags with Clark's behavior.

The last time [REDACTED] saw Clark was last Friday and that everything seemed fine with Clark.

[REDACTED] had nothing of further value to offer.

[REDACTED]
[REDACTED]
FURTHER FLOW UP

On April 1, 2014, I turned my original notes, as well as the employee list from STI, over to Sgt. Hozempa of the Johnson City Police Department. I also advised Sgt. Hozempa of [REDACTED] and that he needs to be interviewed regarding Clark.

No further action taken.

INV. WAGNER
BINGHAMTON POLICE

State of New York
County of Broome
Village of Johnson City
Comp. #14-2598

SS

Date: 3/31/2014
Time: 9:01 AM
Place: Johnson City Police Dept.

Voluntary Statement

I am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Inv. Lisa Zikuski. Without being accused of or questioned about any criminal offenses, regarding the facts I am about to state, I volunteer the following information of my own free will for whatever purposes it may serve. I have been born on [redacted] and I have attended 17 years of school [redacted]

Your Deponent further states [redacted] for the Town of Union Volunteer Emergency Squad and I was working as on Monday, March 31, Between the hours of 6am and 6pm. At approximately 7:07am we were dispatched to 32 Harrison Street on a call of two officers down - gun shots wounds. We dispatched two ambulances and a fly car to the scene. On arrival there were a lot of police cars and the police were directing everyone what to do. The police directed all five of us to the suspect on the ground. The officer that had been shot was already gone from the scene. The suspect was handcuffed so he was safe for us to approach.

[redacted] we men sat him up to evaluate his wounds and I saw that he had at least three gun shot wounds, one to his face, one to his chest and one to his abdomen.

We then layed the man back on the back board and the police escorted us through the scene and we walked him to the emergency room.

The sherriff's deputy then transported my partner [redacted] and I to the Johnson City Police Department to give a statement.

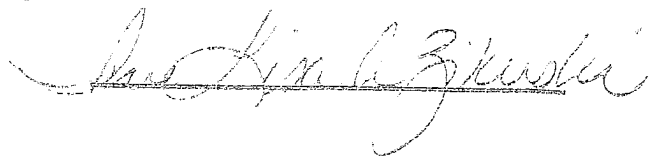
NOTICE

(Penal law, Sec. 210.45)

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I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Signed



Witness

Date Signed and Affirmed

Time Ended



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number 20

Case JCPD #14-2598
BPD #14-8886

Assigned to Inv. Lisa Zikuski

Date 3/31/2014

INCIDENT: MURDER IN THE FIRST DEGREE

LOCATION: 32 Harrison STREET

DATE: 03/31/2014

INVESTIGATION:

Upon arriving at work on Monday, March 31, 2014, Lt. Burnett directed me to respond to the Johnson City Police Department to assist with deposing witnesses to the shooting of Officer D.W. Smith and the suspect James Clark. Upon arrival Patrol Officer Carpenter asked if I could depose; [REDACTED] Lt. Hayes set up a computer for me in an interview room and I recovered the following pedigree information prior to securing deposition.

[REDACTED]

[REDACTED] : Union Ambulance. She was working 7:00am to 7:00pm on 3/31 and they received a call at approximately 7:06 of "officers down". [REDACTED] stated two ambulances and a "fly" car with a supervisor responded. When they arrived only the suspect was on scene, they knew he must be the suspect as an officer was standing guard over him and due to the fact that he was handcuffed. [REDACTED] stated she could see that the suspect had been shot at least three times and knew that it was safe to treat him because he was handcuffed so they proceeded to treat him. Since two

ambulances had responded with a fly car, they could see that Officer Smith had already been removed from the scene so all five of them approached the w/m suspect. The suspect to the best of _____ recollection _____ stated that the suspect looked to be in his mid-thirties, _____ said he had at least three gunshot wounds, one to his face, one to his chest – that exited his back, and one to his abdomen. _____

_____ said they then loaded the patient/suspect and walked him toward the Emergency Room. _____

_____ said that once the suspect was turned over to the Wilson ER staff she and her co-workers were transported to the Johnson City Police Department by police officers to give a statement.



CITY OF BINGHAMTON POLICE DEPARTMENT



DETECTIVE BUREAU
SUPPLEMENTARY REPORT
CASE NUMBER 2014-8885
MARCH 27, 2014
LEAD 21
SGT. C MINOR

INCIDENT: HOMICIDE
CODE: 0300
DATE: 03/31/2014
TIME: 0000
LOCATION: HARRISON ST, JOHNSON CITY NEW YORK

MARCH 31, 2014

I WAS ASSIGNED TO LOCATE [REDACTED] IN REGARDS TO THIS INCIDENT. I [REDACTED] HAD CONTACTED THE JCPD AND SAID THAT HE HAD WITNESSED THE INCIDENT, INVOLVING P.O. SMITH. HE PROVIDED THE PHONE NUMBER [REDACTED]. I ATTEMPTED TO CONTACT HIM AT THE NUMBER GIVEN AND GOT NO ANSWER. BROOME CAD WAS CHECKED AND FOUND THAT [REDACTED]. I WENT TO THE LOCATION AND GOT NO ANSWER. A CARD WAS LEFT FOR HIM TO CONTACT HIM.

SGT C MINOR

APRIL 1, 2014

ON THE ABOVE LISTED DATE, [REDACTED] CONTACTED ME AT THE DD. HE STATED THAT HE WITNESSED SOME OF THE INCIDENT THAT OCCURRED ON HARRISON ST. HE AGREED TO COME TO THE DD AND SPEAK WITH ME. ARRANGEMENTS WERE MADE TO PICK HIM UP AT HIS HOME. [REDACTED] WAS BROUGHT TO THE DD AND I INTERVIEWED HIM IN ROOM 4. [REDACTED] GAVE THE FOLLOWING ACCOUNT.

Yesterday, 3/31/14 I had an appointment at Southern Tier Imaging, in Johnson City. My appointment was at 745 but I got to my appointment early and was there at around 705. When

I got to the building I tried to go in but the door was locked. I turned around and I lit a cigarette. When I did this I noticed that there was a police car pulling up on the street, close to the stairway. I saw the officer open his door and start to get out of his car. I could see the officer's torso as he was getting out, but I don't think he was all the way out of the car. I then saw a guy run up on the officer and start to attack him. I could see that he had the officer pinned against his car. I could see the officer fighting with the guy. I then saw some ladies, run towards the police car and then run away. I then heard someone yell drop the gun. I then heard a bunch of gun shots. I took cover behind a garbage can. The street then went quiet and I didn't hear any gunshots. I then heard someone moaning, and bunch of police officers show up.

██████████ GAVE A ONE PAGE DEPOSITION. HE REVIEWED THE STATEMENT AND SAID THAT IT WAS ACCURATE. THE DEPOSITION IS ATTACHED TO AND MADE PART OF THE CASE FILE. IT SHOULD ALSO BE NOTED THAT ██████████ STATED THAT HE SUFFERS FROM A NYSTAGMUS, WHICH CAN MAKE IT DIFFICULT FOR HIM TO SEE.

SGT. C MINOR

STATE OF NEW YORK: COUNTY OF BROOME
CITY COURT : CITY OF BINGHAMTON

BPD COMP #

THE PEOPLE OF THE STATE OF NEW YORK

vs

SUPPORTING
DEPOSITION

_____ as for a supporting deposition, in connection with an
(Information/Misdemeanor Complaint, /Felony Complaint) filed, or to be filed with this
Court against the above named Defendant, do hereby make the following allegations of
fact:

Yesterday, 3/31/14 I had an appointment at Southern Tier Imaging, in Johnson City. My
appointment was at 745 but I got to my appointment early and was there at around 705.
When I got to the building I tried to go in but the door was locked. I turned around and I
lit a cigarette. When I did this I noticed that there was a police car pulling up on the
street, close to the stairway. I saw the officer open his door and start to get out of his
car. I could see the officer's torso as he was getting out, but I don't think he was all the
way out of the car. I then saw a guy run up on the officer and start to attack him. I could
see that he had the officer pinned against his car. I could see the officer fighting with the
guy. I then saw some ladies, run towards the police car and then run away. I then heard
someone yell drop the gun. I then heard a bunch of gun shots. I took cover behind a
garbage can. The street then went quiet and I didn't hear any gunshots. I then heard
someone moaning, and bunch of police officers show up.

The above allegations of fact are made upon direct knowledge (and upon Information and
belief), with the sources of Deponent's information and the grounds for his belief being
Direct knowledge

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(Penal law, Section 210.45)

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STATE OF
NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY
MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES
NOT BELIEVE TO BE TRUE.
SIGNED and AFFIRMED this

1st day of April 2014

DEPONENT

1 Agency: Broome County Sheriff
 2 Division/Precinct: NY STATE POLICE
 3 CR: NY0030000
 4 Orig Supp
 5 Case No: 2014-00004458
 6 Incident No: 2014-00004458
 7 Report Day: 03 31 2014
 8 Date: 07 03
 9 Report Time: 07 03
 10 Day: 11 Date: 12 Time: 13 Day: 14 Date: 15 Time:

16 Incident Type: 17 Business Name: HARRISON
 18 Weapon(s):
 19 Police Station: 20 City, State, Zip: 21 Location Code:
 22 Offense Code: 23 No. of Victims: 24 No. of Subjects:

25 Person Type: 26 Victim also complainant: Y N
 27 Name (Last, First, Middle): 28 Date of Birth: 29 Sex: 30 Race: 31 Ethnic: 32 Handicap: 33 Residence Status: 34 Telephone No.
 35 Name (Last, First, Middle): 36 Address (Street No., Street Name, Apt. No., P.O. No., City, State, Zip): 37 Apparent Condition: 38 Social Security No.
 39 Name (Last, First, Middle): 40 Address (Street No., Street Name, Apt. No., P.O. No., City, State, Zip): 41 Phone No.: 42 Social Security No.
 43 Name (Last, First, Middle): 44 Age: 45 Sex: 46 Race: 47 Ethnic: 48 Hair: 49 Eyes: 50 Glasses: 51 Build: 52 Employer/School: 53 Address:
 54 Scar/Mark (Tattoo Describe): 55 Misc:

56 Incident Subtype: 57 Property Status: 58 Property Type: 59 Quantity Measure: 60 Make/Model: 61 Serial No.: 62 Description: 63 Value:
 64 Vehicle Status: 65 License State No.: 66 Partial: 67 State: 68 Exp. M.: 69 Plate Type: 70 Value:
 71 Year: 72 Make: 73 Model: 74 Style: 75 VIN:
 76 Color(s): 77 Towed By: 78 Vehicle Notes:

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74 Inquiries (Check all that apply):
 DMV Warrant Search Other
 Crim. History Stolen Property
 75 NYSPIN Message ID: 76 Complainant Signature:
 77 Reporting Officer Signature (Include Title): 78 ID No: 79 Supervisor's Signature (Include Rank): 80 ID No:
 81 Page: 1

Supplement Narrative

2014-00004453

SUPPLEMENT REPORT REFERENCE TO JOHNSON CITY POLICE MAJOR CASE LEAD #22

WHILE ON PATROL I RESPONDED TO 32 HARRISON ST V/JOHNSON CITY FOR A CALL OF SHOTS FIRED, OFFICER DOWN. UPON ARRIVAL I WAS DIRECTED BY BPD LT RYAN TO ASSIST WITH PUTTING CRIME SCENE TAPE UP IN FRONT OF 32 HARRISON ST. ONCE THAT WAS COMPLETED LT RYAN ASKED THAT I CHECK INSIDE 32 HARRISON AND SEE IF THERE WAS ANYONE INSIDE.

WITH THE ASSISTANCE OF TROOPER PHELPS, MACIAK AND A THIRD UNKNOWN TROOPER WE LOCATED THE [REDACTED] IN THE BUILDING. [REDACTED] STATED THAT THEY HAD WITNESSED THE ENTIRE INCIDENT AND WERE COWORKERS WITH THE SUSPECT. I ADVISED LT RYAN WHO WE HAD LOCATED A FEW MINUTES LATER DISPATCH ADVISED ME THAT I WAS TO TRANSPORT THE THREE WITNESSES TO JCPD. WHILE WALKING THE THREE TO MY PATROL CAR (BCSO 141) DEPUTY SMITH APPROACHED ME AND STATED HE ALSO HAD A WITNESS AND ASKED FOR ME TO TRANSPORT HER ALSO (SEE DEPUTY SMITHS REPORT FOR HER INFORMATION).

ONCE AT JCPD ALL FOUR WITNESSES WERE ASKED TO SIT AND AN OFFICE AND THEN LATER SEPARATED BY DETECTIVES TO BE INTERVIEWED.

I STOOD BY AT JCPD AND WAS THEN ASKED TO GO TO WILSON HOSPITAL AFTER A COUPLE MORE WITNESSES HAD BEEN LOCATED AND BRING THEM BACK TO JCPD. ONCE AT WILSON I WAS ADVISED BY AN UNKNOWN DETECTIVE THAT THE WITNESSES HE HAD AT THAT LOCATION COULD NOT LEAVE DUE TO THEIR JOB WITHIN THE HOSPITAL AND THAT THEY WOULD NEED TO BE INTERVIEWED AT THE HOSPITAL. I RESPONDED BACK TO JCPD AND ADVISED THE DETECTIVE IN CHARGE.

I WAS THEN LATER RELEASED BY CPT AKSHAR. I ADVISED SGT WILLIAMS I WAS SECURING FROM THE SCENE. NO FURTHER ACTION TAKEN BY PATROL.

FISH

STATE OF NEW YORK COUNTY OF BROOME
VILLAGE COURT VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

SUPPORTING
DEPOSITION

DEFENDANT(S)

On 3/31/14 at 9:25 AM PM, I [Redacted]
Date Time Started Full Name
Date of Birth Street Address Town/City State Zip

ate the following:

I am the driver of [Redacted] - a Union Volunteer
Emergency Squad ambulance. At 7:05 AM we were
dispatched to Harrison St. for "an officer down"
"subject shot" stage away. By the time we, my
partner and I when we got to the scene
we were told to go right in we drove down Harrison
street and a police officer raised the crime scene tape
so we could drive under it we parked and
both got out of the rig. We walked to the spot
where a white male who was lying face down on the
street, with his hands cuffed behind his back. There
were many cops surrounding him. By the time we got
to him, he was laying on his back. He was talking
but it was loud and chaotic, so I couldn't tell what
he was saying.

NOTICE
(Penal Law, Section 210.45)

IT IS A CRIME AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK,
FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT,
OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Subscribed and Affirmed this
31 day of March, 2014.
Subscribed and Sworn to before me this
 day of , 2 .

Title

WITNESS
[Signature]
Name of Officer Taking Deposition

VOLUNTARY STATEMENT
(continued)

Page 2 of 2

Statement of: _____

_____ another ambulance crew put an oxygen mask on him. _____ it was decided that the male needed to be transported, and in the commotion to move him, I got pushed out of the way.

_____ We put the male on the backboard then onto a stretcher and _____ from the second crew, were escorted by a police officer as we lifted the stretcher through the hallway and into the ER. We were instructed to put the male in room one by the trauma team. We unstrapped him and left _____ him off the backboard and then went back out to the pig with the stretcher. I did observe some injuries to the male. There was bleeding on his right cheek, bleeding on his right ear, and some sort of stomach wound - and there was blood there, and on his left side.

Signature _____

STATE OF NEW YORK COUNTY OF BROOME
CITY FAMILY COURT CITY OF BINGHAMTON

BPD CASE # _____

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

SUPPORTING DEPOSITION

DEFENDANT _____ D.O.B _____

_____, AS FOR A SUPPORTING DEPOSITION, IN CONNECTION WITH AN (INFORMATION / MISDEMEANOR COMPLAINT / FELONY COMPLAINT) FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT, DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT:

I am _____ years of age, having been born _____ in _____
On the morning of 3-31-14 I was employed by Superior Ambulance as the driver. I was riding passenger seat of ambulance with my partner as the driver. We were sitting in the Walgreens parking lot on Main St. in Johnson City near Harrison Street. We received a call from Dispatch at 10:06 asking us to call in. We called in to our Dispatcher. Once hung up the phone he advised me that we were going to Southern Tier Imaging, STI, for a guy that was "going to inject." I activated the Emergency/overhead lights, I put siren and we started toward Harrison St. We rolled through the intersection of Harrison St. and Main St. heading South. We were just past the intersection when he said "Oh my god that's shots fired". We stopped then "ambulance" because we were unsure if the scene was safe to enter. I could see people running away from Southern Tier Imaging. I observed a Johnson City Patrol vehicle parked on Harrison St facing South. The patrol vehicle was parked with its passenger side to the Western curb of Harrison St. near the front stairs to STI. I could see that there was some kind of activity near the rear passenger side of the patrol vehicle. We were stopped activity.

The above allegations of fact are made on direct knowledge (and upon information and belief), with the sources of Complainant's information and the grounds for his belief being:

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed this 31st day of March, 2014

Subscribed and sworn to before me this _____ day of _____, 20____

Deponent
Inv. A. G. Williams / A. Legos-Williams #35
Witnessing Officer

near the driveway of 30 Hamilton St. just north of the driveway to the medical building facing south. We were about 100 from the patrol vehicle.

I could see an officer by the driverside door of the patrol vehicle. The officer was standing just past the front driver side door with the door open and he was facing the vehicle, west. The officer then fell to the ground. The officer did not move when he fell to the ground.

We waited several seconds, I am not sure how long until it appeared safe to enter the scene. I told the patrol officer out quickly we started to move forward. As we were moving forward the vehicle I could see some Wilson Hospital staff coming out of the Decker Center. I also observed another officer on top of a male near the rear passenger side of the patrol vehicle.

We pulled up just past the patrol vehicle with the patrol vehicle being on the passenger side of the Ambulance. I exited the front passenger door of the Ambulance and moved toward the officer that was on the ground injured. I could see that there was a large pool of blood under the officer and that there was an injury to the officer's head. I ran over to the officer.

I looked down and saw that the name tag for the officer was Officer Smith.

I then ran toward the other officer that was on top of the other male near the rear passenger side of the patrol car. The officer was on top of the male and the male was under the officer's control. I ran up behind the officer, I put both of my hands on the back of the officer's shoulders and asked him if he was hurt. The officer said that he was okay.

I could not see what the other male looked like.

NOTICE

(Penal Law, Section 210.45)

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Signed and affirmed this
31st day of March, 2014

Subscribed and sworn to before me this
day of _____, 20____

Deponent

Inv. A by Det. A. Legas-Williams #352
Witnessing Officer

STATE OF NEW YORK : COUNTY OF BROOME
CITY/FAMILY COURT : CITY OF BINGHAMTON

BPD CASE # _____

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

SUPPORTING DEPOSITION

DEFENDANT _____ D.O.B _____

_____, AS FOR A SUPPORTING DEPOSITION, IN CONNECTION WITH AN (INFORMATION / MISDEMEANOR COMPLAINT / FELONY COMPLAINT) FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT, DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT:

I am _____ years of age, having been born _____ in _____

Deponent further states:

I then saw Jason Ellis / arrive on scene I have known Jason for a long time I asked him if we could take Officer Smith

My partner had already put officer Smith on a stretcher. We all ran the stretcher toward the Hospital. We went through the doors at the Decker center and into the back of the Emergency Room. We went to ER room 3A and turned Officer Smith over to Dr. Kameel. I stayed in the room for several minutes to assist. Once Officer Smith was heading to the Operating Room I left room 3A and stayed in the hallway. We were eventually taken to the medic room then transported to Johnson City P.V. center

The above allegations of fact are made on direct knowledge (and upon information and belief), with the sources of Complainant's information and the grounds for his belief being:

NOTICE

(Penal Law, Section 210.45)

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Signed and affirmed this _____ day of _____, 2014

Deponent

Subscribed and sworn to before me this _____ day of _____, 2014

A. Legas-Williams #350
Witnessing Officer



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 27

Case #: 2014-8886

Assigned to: Inv. Legos-Williams

Date: 3-31-14

Interview of [redacted] 3-31-14:

I spoke with [redacted] at JCPD about the incident. She said that she was working for Superior Ambulance during the morning of 3-31-14. She said that they received the call to respond to STI on Harrison St. at about 0706. At the time she was riding passenger seat in the ambulance, sitting in the Walgreens parking lot on Main St. in J.C. They started through the parking lot and then through the intersection of Harrison St. and Main St. Her partner, [redacted] was driving the ambulance and said that he heard gunshots. They stopped the ambulance about 100 feet from the STI building.

[redacted] could see that there was a Police car parked just past the front stairs of STI. She saw a Police Officer near the open driver's side door, facing the patrol vehicle. She then saw the Officer fall to the ground. She could see that there was some activity near the passenger side rear of the patrol car but was focusing on the downed Police Officer. She could see that there were several people running away from the patrol car. She said that her and her partner waited about a minute to make sure that the scene was safe.

Once the scene was safe they proceeded to pull past the patrol vehicle in order to administer aid to the downed Officer. [redacted] exited the ambulance and checked on the Officer. [redacted] noticed the Officer's name badge and it was Officer Smith.

She then went over the other Officer that was on scene. She noticed that the Officer was on top of a male but she could not see anything about the male. She checked to see if the Officer was injured. The Officer replied that he was uninjured.

Her partner, [redacted] had already put Officer Smith on the stretcher. She assisted taking Officer Smith on the stretcher into Wilson.

[redacted] was deposited as to the incident.

Inv. A. Legos-Williams

State of New York County of Broome
Village Court Village of Johnson City

Comp # _____

The People of the State of New York

SUPPORTING
DEPOSITION

D.J.F.

Defendant(s)

On 3/31/14 at 8:50AM

Date

Time

Deponent's full name

residing at

D.O.B.

Deponent's street address (not P.O. Box)

state of following:

This morning I went to Southern Tier Imaging. I arrived
about 7:03 AM. I was sitting in my car - sat & couple
of minutes when I saw a guy running from the ambulance
entrance towards a police car that had pulled up. I
wasn't sure if the guy was running towards the police car or
away from it. I have seen this guy working in Southern Tier
imaging in the past but I don't know his name. The guy ran over to the
police car and the car door opened. I think the guy from
Southern Tier opened the door but it was hard to tell.
In just a matter of seconds after the door opened I heard
two shots. Then I saw a second officer running down
the street with his gun drawn. The guy from Southern
Tier was running at that officer. The officer shot at
the guy from Southern Tier. I believe I heard three
shots at this time. This took place in the street
known as Halstead St. I then saw the second police
officer wrestling with the guy in the street. There
may have been two more shots while they were
wrestling. Two security officers from the hospital
came over and were helping the second officer.
When I saw the second officer help the guy I
could see blood on the front of his head. D.J.F.

NOTICE
(Penal Law, Sec. 210.45)

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3/31/14
Signed & Affirmed
9:31 (Signature)

Witness
(Signature)
Signature of Officer Taking Deposition

CONTINUATION SHEET

STATEMENT OF :

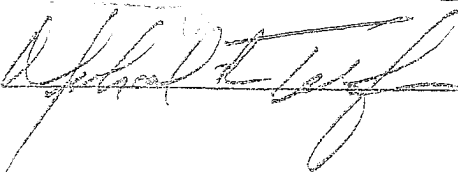
DATE: 3/21/14

PAGE NUMBER: 2

DEZ
CONT: WITH IN SECONDS A AMBULANCE ARRIVED AND THEY
TOOK THE FIRST OFFICER TO THE HOSPITAL THE
AMBULANCE PERSONAL PUT THE OFFICER ON THE
STRETCHER AND TOOK HIM DIRECTLY TO THE HOSPITAL
I DIDNT SEE ANYONE PUT ON THE STRETCHER
THAT WAS AT THE SCENE. I WAS TOLD TO GO INTO
THE SOMETHING TIRE IMAGING BY OTHER POLICE OFFICERS
THAT HAVE ARRIVED AT THE SCENE DEZ

SIGNED:

WITNESS:



State of New York County of Broome
Village Court Village of Johnson City

Comp #14-2593

The People of the State of New York
- vs -

Supporting
Deposition

Defendant(s)

On 3/31/2014 at 9:13 AM, I state the following: To Det. Hillman of the Johnson City Police Department.

I work at Southern Tier Imaging, which is at 32-36 Harrison St, Johnson City, NY have worked there for about ten or eleven years. I work with James Clark. We call him Jim. I have worked with him for years there. He is an MRI Tech and he bounces between Vestal and Johnson City. Jim is usually just so layed back and nothing ever bothers him.

I am usually the first person in the office, and am there between 6:30 and 6:35, in the morning. This morning I was late because we got that snow and I got stuck in my driveway. I got there at I think 6:47 this morning. I parked on the street, went in the front doors and unlocked them. I turned the lights on, and I went into the kitchen, put my lunch in the fridge, and unlocked the door. I went into the prescreening room and hung up my coat and then I walked back into the Technical area. I unlocked the ambulance entrance door, and went in and made coffee for the Techs.

While I was in there called me. and she told me that had called in sick. aid that Jim and were going to be the Techs there today and to have one of them call her because going to have to go to the Vestal location to scan patients there. I don't know her last name. Then we hung up and I went back out to the front office, to the coffee pot.

That is when Jim came out from the Technical area and was telling me to call the police. He had a hat on and his face was like gray and pasty looking. There was no color in it what so ever. He was very "matter of fact." He said that he a premonition, or something happened to him while he was driving in on the highway. I said "What, what are you talking about?" He said that I need to get ahold of "Right now!" After everytning he said, he kept saying, "right now, I'm serious." Then right before he went back into the Technical area again, he said "Call the police, right now!" He also kept saying that we needed to get ahold of He wouldn't tell me why. He just kept saying to get her on the phone.

Then he proceeded to go back into the Technical area, and I went back into the office area where my desk is. I grabbed a directy of employee phone numbers and was going to try and get ahold of on the phone. Then I called the Johnson City Police Department and I told them that we had an employee that wasn't acting right. I gave them my name, my phone number, and told them where I was located.

After that At this point, Jim is now in the kitchen and was ranting and raving. He locked the kitchen door. The he pulled another door that goes into the hallway from the kitchen, shut and propped a chair under the handle so no one can get in.

Then he came out into the front office, asked me if I called the police and I said yes. Then he went out to the front doors and saw trying to get in and he locked the door on her and told her to go away. Then he went running back

NOTICE

(Penal law, Sec. 210.45)

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Date Signed and Affirmed

Deponent

9:50 Am
Time Ended

Witness

Signature of Officer Taking Deposition

Supporting Deposition Continuation Page

into the technical area. That's when I saw _____ pull her SUV into the parking lot. Then in the ambulance entrance breeze way, I saw _____ was trying to talk to him. He kept saying, "Don't turn those magnets on." She told him not to worry and that she wouldn't. I went back there and he was yelling about the police. I told him that they were coming.

Then I saw the black and white police car come down our street, off of main street. I went running out into the front. As the police car passed our front door, the policeman stopped his car. I saw Jim come running out and go down to the policeman. Then I saw Jim just shaking his hands and then they were struggling. Jim looked like a mad man. Then I saw Jim's hands pointed forward, like he was holding a gun pointing it at the police officer, looking down at the policeman. Then I heard the shots. It seemed like four shots. It could've been five.

I ran back in and called 911 and told them that there was an officer that had been shot. I told them to please hurry. _____ When I saw the ambulance arrive and then there were lots of police, I went back outside. I saw a person on a stretcher who I thought was Jim. There was blood on the side of his head. I think they took him to the Emergency Room

NOTICE

(Penal law, Sec. 210.45)

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March 31, 2014

Date Signed and Affirmed

Time 9:50 AM

Deponent

Witness
Det. [Signature]
Signature of Officer Taking Deposition

State of New York - County of Broome
Village Court Village of Johnson City

Comp #14-2598

The People of the State of New York
- vs -

Supporting
Deposition

Defendant(s)

On 3/31/2014 at 8:18 AM
following: To Det. Hillman of the Johnson City Police Department:

I was working this morning, at Wilson Hospita This morning I had just finished making a delivery to Wilson Square and I just came out of the building and I was loading my truck up. I pulled the door down and shut the tailgate like I normally do. At that time, I came around the driver's side of the truck. As I was coming around, I saw a Johnson City Police car go by on Harrison St. He was going by really slow and he pulled over on the edge of Harrison St, on the same side of the street of Wilson Square.

I opened my door, as soon as I opened my door, I saw the officer had his door open. Then I saw the officer pointing his gun down the street, away from Main St, and I heard the officer say something to the guy. The officer was behind his door for protection. I wasn't able to see the officer he was yelling at. I'm not positive what he said, maybe something like "stay in your car." The next thing you know, as soon as the officer said something, I hear a boom. It didn't come from the officer. Then I see the officer shooting, I heard "Bang, bang, bang, bang." And then I see the guy standing in the middle of the street. All I saw was a brownish coat. I saw the guy flopping in the street, while standing. You could see what looked like the guy getting hit. The guy was in a position, facing the officer, and looked like he was holding and firing a pistol at the officer. Then I saw the guy going down cause he's being hit.

The guy went down to his knees. Then he went from the middle of the street, to the side of the street, by a car down from the police car. Then the officer went towards the guy out of my sight. The next thing you know, I hear five more bangs. Then it was quiet, you hear people screaming and crying. I walked out into the middle of the road and started walking towards the police car.

I tried calling my boss, then I called 911 and said "an officer has been shot, an officer is down." Then police showed right up, what seemed within seconds.

RBF

NOTICE

(Penal law, Sec. 210.45)

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3-31-14
Date Signed and Affirmed

Deponent

8:53 Am
Time Ended

Witness

[Signature]
Signature of Officer Taking Deposition



Broome County Sheriff's Office
Investigative Report
BCSO Case # 2014-4458
Associated Case #

Case Information

Assigned Officer: Det. Timothy G. Doyle
Offense Date/Time: 3-31-14
Offense Location: 32-36 Harrison St. V/Johnson City
Offense Type: Assist Agency

3-31-14: On this date I responded to the Johnson City Police Department to assist in the investigation of the homicide of Police Officer David W. Smith. Det. Sgt Ellis assigned me to interview _____ shooter, James Clark at Southern Tier Imaging. In sum and substance _____ said she found Clark at work this morning acting very irrational saying there was a bomb or guns in the building by the magnets and he wouldn't allow _____ entry in to the building. Police had already been contacted and when Clark saw the police car drive by he ran after it. _____ said she followed Clark outside and when she got to the front of the building she saw Clark struggling with the officer at the police car. _____ said she then heard a gunshot.

_____ The officer then fell to the ground and Clark turned towards Main St. and started firing a gun. _____ then ran back inside the building. When she looked out the window she saw Clark being restrained by officers but he appeared to continue to struggle with them. See _____ sworn written statement for complete details. Upon completing the statement process I briefed JCPD Det. Sgt. Hozempa of my findings and turned the statement over to him.

The next lead that was assigned to me was to assist Det. Sgt. Ellis with interviewing James Clark's wife, _____ and making notification of her husband's death. _____ had already been brought to the JCPD. Notification was made and during the interview _____ said that James was not violent and his actions this morning were not like him. _____ said there is no history of mental health issues and there are no marital problems.

_____ said her last contact with James was this morning while she was still in bed. He came in to

tell her there was a two hour delay for school. _____ said that James showed no signs of distress this morning.

The last lead that was assigned to me was to contact and interview _____ at his residence, _____ Det. Mariano and I responded to the residence and spoke to _____ told us that he hasn't had contact with James since around Christmas. _____ was not aware of any issues. _____ I took a sworn written statement from _____. Upon returning to the JCPD I briefed Det. Sgt. Hozempa of our interview and turned the statement over to him.

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF BROOME

Page 1

Date 3-31-14 Time 0850

v/ Towson City

ss:

Place JCPD

I, _____, _____ at _____ years of age, having
been born on _____, My present address is _____

and I have lived there _____ years. I have completed _____ years of school.

My present occupation is _____, I am presently a
(student) (unemployed) (employed) at Southern Tier Intergait

I FREELY VOLUNTEER THE FOLLOWING STATEMENT TO DET. DOYLE
a police officer with the Broome County Sheriff's Office:

Q: TELL ME WHAT HAPPENED THIS MORNING
WHEN YOU ARRIVED TO WORK AT SOUTHERN TIER
IMAGING

A: I WAS ON MY WAY IN WHEN _____
CALLED ME TELLING ME THAT ONE OF OUR
TECHS, JIM CLARK WAS TELLING HER TO CALL
911 SOMETHING ABOUT A GUN OR BOMB. WHEN
I GOT TO WORK I WALKED TOWARDS THE
AMBULANCE ENTRANCE, THATS THE DOOR I ALWAYS
GO IN. THAT ENTRANCE LEADS INTO A VESTIBULE.
JIM CLARK WAS INSIDE THE VESTIBULE TELLING
ME HE WASNT LETTING ME INSIDE. HE WAS
HOLDING ME BACK WITH ONE HAND. HE HAD
A WILD LOOK IN HIS EYES AND HIS SKIN
WAS PALE AND GRAY. I KEPT ASKING HIM

NOTICE

(Penal Law Sec. 210.45)

IT IS A CRIME, PUNISHABLE AS A CLASS "A" MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

I have read this statement consisting of 3 page(s) and the facts contained therein are true and correct.

Signed and Affirmed this

31st day of MARCH

2014

[Signature]
Signature

Subscribed and Sworn to before me this

31st day of MARCH

2014 ****

Det T.G. [Signature] BCSO
Witness / Notary Public

VOLUNTARY STATEMENT
(continued)

Page 2

Statement of: _____

WHAT WAS WRONG. HE WAS HOLDING A
CARD IN HIS OTHER HAND AND KEPT TELL
ING ME HE WASN'T LETTING ME NEAR
THE MAGNETS. I GOT JIM TO PUT THE
CARD DOWN. I TRIED TO GET INSIDE THE
BUILDING BUT HE WOULDN'T LET ME GET
BY. HE KEPT PUSHING ON MY CHEST TO
GET ME TO LEAVE BUT I DON'T WANT
TO BECAUSE I COULD SEE

IN THE ~~RESTROOM~~ ^{HALLWAY} SHAKING

HER HEAD IN AGREEMENT OF ME TELLING JIM
THAT THE POLICE WERE ON THEIR WAY. JIM
KEPT SAYING THE POLICE WEREN'T COMING
FAST ENOUGH. THEN JIM LOCKED THE DOOR
BEHIND ME. WE CONTINUED WITH THE DIALOGUE
ABOUT THE POLICE WERE COMING AND JIM
SAID NOT FAST ENOUGH. THEN A POLICE CAR
DROVE BY. JIM SAW THE POLICE CAR DRIVE
BY AND SAID THEY WEREN'T STOPPING.
WE STRUGGLED TO GET THE DOOR UNLOCKED
BUT WHEN HE DID HE TOOK OFF RUNNING
TOWARDS HARRISON ST. HE LEFT MY SIGHT
GOING AROUND THE BUILDING. _____ WAS
WITH ME DURING ALL THIS AS SHE WAS ~~BY~~
IN THE VESTIBULE WITH JIM WHEN I GOT
THERE. ANYWAY, WE RAN TO THE SIDEWALK.
I SAW JIM AT THE POLICE CAR'S DRIVERSIDE
FRONT DOOR. IT WAS LIKE JIM WAS TRYING TO
OPEN THE CAR DOOR. I SEE THE COP GET OUT
OF THE CAR AND JIM WAS ON HIM RIGHT
AWAY. THEN THEY STRUGGLED. THE COP WAS
TRYING TO GET CONTROL OF JIM. THE CAR
DOOR WAS STILL OPEN WHEN I HEARD A GUN

X Shirley Larrin

Signature

TRCA

VOLUNTARY STATEMENT
(continued)

Statement of: _____

Page 3

GO OFF.

THE COP THEN DROPPED TO THE GROUND AND THEN JIM TURNED TOWARDS MAIN ST AND JUST STARTING SHOOTING I THINK HE WAS JUST RANDOMLY SHOOTING. THERE WAS A PERSON BEHIND A BLUE CAR YELLING FOR JIM TO STOP SHOOTING. AND I STARTED TO RUN BACK TO SOUTHERN TIER IMAGING'S FRONT DOOR. AS WE'RE DOING THIS I COULD HEAR GUN FIRE AND I THINK I HEARD SOMEONE YELL "DROP THE GUN." WE GOT BACK INSIDE THE BUILDING AND I LOCKED THE DOOR A SHORT TIME LATER. THEN I LOOKED OUT THE WINDOW AND SAW JIM ON THE GROUND AND A COP WAS TRYING TO HANDCUFF HIM. THERE WAS

BECAUSE JIM WAS STILL STRUGGLING, AFTER JIM WAS SUBDUED I WENT OUTSIDE AND TOLD AN OFFICER JIM'S NAME AND THAT WE WORKED HERE. THE OFFICER TOLD ME TO GO BACK INSIDE

Q: WAS JIM HAVING ANY PERSONAL PROBLEMS THAT YOU KNEW OF

A: NOT THAT I KNOW OF THIS IS SO OUT OF CHARACTER. FOR JIM, HE WAS NEVER A PROBLEM.

Q: TO THE BEST OF YOUR KNOWLEDGE WAS JIM A SUBSTANCE ABUSER

A: NOT THAT I'M AWARE OF

Q: IS THERE ANYTHING ELSE YOU'D LIKE TO ADD

A: NO

X _____
Signature

STATE OF NEW YORK COUNTY OF BEGOME
CITY COURT CITY OF BINGHAMTON

B.P.D. Case # _____

THAT PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

DEFENDANT

DOB

_____, AS FOR A SUPPORTING DEPOSITION,
IN CONNECTION WITH AN (INFORMATION / MISDEMEANOR COMPLAINT / FELONY
COMPLAINT) FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT,
DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT:

I am _____ years of age, born _____ in _____

*This morning I arrived to work at around 5:50 am. Once
I was there I got into the work van and myself and
went and picked up _____*

*_____ We then drove back
to the Dockers building*

*_____ were sitting in the van looking
North on Beaver St. I was driving*

*I noticed
two police cars coming down the street at about 7:15 am. One
of the cars pulled up right across from us and the other car*

The above allegations are made on direct knowledge (and upon information and
belief), with the sources of the Complainant's information and the grounds for his belief
being:

Direct Knowledge.

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE
STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO
KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH
PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed on this

31st day of March, 2014

Deponent

Subscribed and sworn to before me this
_____ day of _____, 20____

Parked close to 30th Street. As soon as the police car pulled up a white
man came from the direction of the MRI building. He had both hands above his
head wearing a mask. He was kind of in a shuffle run going towards the
police car. He was saying something but I couldn't make out what he was saying.
The guy looked excited like he wanted to tell a story. He approached the police car and
when the officer started to get out the guy wouldn't let him out and punched the
officer. The officer was able to get almost completely out of the car when I saw
the guy reach down and pull the officer's gun. When the guy raised his arm he
had the officer's gun in his hand. I saw the officer struggle with the gun and then heard one gun shot and then I saw
I tried to get low in the van but I wasn't visible to see to get out and
run into the Decker building. I then ran to the
staff an officer had just been shot outside while I was running to the
Decker building. After getting out of the van I heard a lot of more shots but I did not see
who they were from or who shot them.

NOTICE

(Penal Law, Section 210.45)

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STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO
KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH
PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed on this
_____ day of _____, 20__

Subscribed and sworn to before me this
_____ day of _____, 20__

Deponent

John Paul L. Robert Moody



CITY OF BINGHAMTON POLICE DEPARTMENT
DETECTIVE BUREAU SUPPLEMENTARY REPORT



INV. CHARLES WOODY, JR.
CASE # 2014 - 8,886
LEAD # 32

On 3/31/14 I responded the Wilson Memorial Hospital for a report of an Officer involved shooting. Upon arriving at the emergency room I was told there were interviews that needed to be conducted, of witnesses that were at the scene when the shooting occurred.

I was taken to the back part of the ER where I met

stated they had been sitting in the same spot for a short time when she seen two Johnson City Police Vehicles turn south on Harrison St. from Main St. She stated the first vehicle pulled up directly across from her in the street while the other car parked near 30 Harrison St. stated as soon as the car across from her pulled up she observed a white male come off the steps from the MRI building. She stated he was in a slow shuffle type run with both hands over his head and he was saying something that she could not make out. She stated it appeared as if he was trying to express himself but didn't know how. then stated the male went directly to the police car across from her and before the officer could get the door totally open the guy punched the officer in the head. It appeared to her that the officer was still sitting in the car and was starting to get out when the guy hit him stated after being hit the officer began to push the door open in an attempt to get out and the two were struggling. ed the officer was able to stand up but was not completely out of the car and she seen the male put his hand down towards the officer's gun and when he pulled his arm back he had the officer's gun. advised she could see the gun clearly at

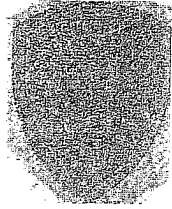
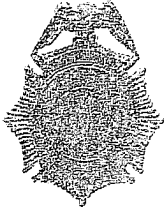
..... said the two were struggling still and the male raised his arm and had the gun pointed at the officer's head. She heard one shot at that time

..... She stated she tried to get low in the van at that time and was unable to so she exited the van and ran behind it and into the Decker Center. She stated while running into the Decker Center she did hear two more shots being fired but did not see anything.

..... stated after getting into the Decker Center she along with went through the hospital to the emergency room and began telling people an officer had been shot outside.

A deposition was secured from at the time.

Inv. Charles Woody Jr.



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT
TF CASE # 2014-31T

Officer Assigned: INV P. DeAngelo
Offense Date/Time: 31 March, 2014
Offense location: Harrison Street, Johnson City
Offense Type: Assist other agency

On this date I was assigned to assist in the investigation of Officer David Smith's homicide.

Lt. B. Surace requested that I contact Chenango County Sherriff's Office and the Village of Green Police Department and request local record search, for any activity involving James P. Clark. I spoke to Under Sheriff Dan Frair and requested a search of his agencies records. I spoke to Sgt. Donald Brown of the Village of Green police and made the same request. Both agencies reported that there was no record of any kind involving James Clark.

I later assisted in the search of James Clark's residence at [redacted] I did not locate any property to be collected by the NYSP evidence team.

No further action taken

INV P. DeAngelo

STATE OF NEW YORK COUNTY OF BROOME
VILLAGE COURT VILLAGE OF JOHNSON CITY

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

DEFENDANT'S,

On 03-31-14 at 9:12 AM AM P.M. I
[Redacted] Full Name
[Redacted] Date of Birth
[Redacted] Street Address
[Redacted] Telephone
[Redacted] Zip

state the following:

I am currently employed as a
Union Ambulance Squad. Today Monday March 31 in 14 I was
working shift to 6 PM with my partner
At approximately 7:07 AM
3-3 Harrison St in Village of Johnson City in Broome County
We were called to that location for two police officers
slain and down. When we arrived we pulled up with
a Union Ambulance Squad and
I grabbed the stretcher and
and walked toward a male that I saw lying on the ground
near the sidewalk on the west side of Harrison St.
The male was handcuffed behind his back and there were
at least four other police officers along with an
officer in the street about three feet ahead and to the left
of where the male was laying. There were shell casings laying

NOTICE

(Penal Law Section 210.45)

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FOR A PERSON, BY AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT,
TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Subscribed and Affirmed this
1st day of March 2014
Subscribed and Sworn to before me this
 day of 20

Title

DEPONENT

Lucy Kinley S. Koop
WITNESS

Inv. Kinley S. Koop
Name of Officer Taking Deposition

STATEMENT OF :

DATE: 03.31-2014

PAGE NUMBER: 2

near the handgun and Deputy Smith directed me to walk around where the gun was laying. I began patient care. I observed that he was breathing, his eyes were open and he was wearing an oxygen mask with an oxygen tank. On his right cheek he had a laceration.

and observed two puncture wounds on his upper left quadrant. They appeared to have been caused by bullets and was a third hole in his abdomen near his belt line. We sat the man up and he was bleeding from a fourth hole in his back. We placed the man on the backboard, secured him for transport, walked around the evidence in the roadway again and wheeled him down the sidewalk on the East side of Hamilton St. and into the Wilson Hospital Emergency Room. We took him into room 1A and Dr. Pappell was there. I showed the Doctor the laceration on his face and he was trying to sit up.

The man's At that point I left the emergency room. That is all I remember from this morning's shooting call. I have read this two page statement and it is true and correct to the best of my knowledge. W

SIGNED

WITNESS:

1 Agency Broome County Sheriff's Office		2 Division/Section HP		3 CR# NY0030000		4 <input checked="" type="checkbox"/> Orig <input type="checkbox"/> Subp		5 Case No. 2014-00004458		6 Incident No.	
7 Occurrence Date Mon 03 31 2014		8 Occurrence Time 07 03		9 Date Mon 03 31 2014		10 Time 07 03		11 Date Mon 03 31 2014		12 Time 07 03	

13 Occurrence Description ASSIST OTHER AGENCY		14 Business Name		15 Weapon(s)	
--	--	------------------	--	--------------	--

16 Address 32 HARRISON ST		17 City/Town/Village Johnson City/Village of		18 Zip Code 0403	
------------------------------	--	---	--	---------------------	--

19 Name	20 Sex	21 Race	22 Age	23 Height	24 Weight	25 Eyes	26 Hair	27 Complexion	28 Marks	29 Scars	30 Tattoos	31 Other

32 Person Interviewed		33 Name (Last, First, Middle)		34 Date of Birth		35 Street Name, Block #, Apt #, P.O. Box #		36 State		37 Telephone No.		38 Telephone No.	

39 Race		40 Sex		41 Age		42 Height		43 Weight		44 Eyes		45 Hair		46 Complexion		47 Marks		48 Scars		49 Tattoos		50 Other	

51 Name (Last, First, Middle)		52 Address		53 Phone No.		54 Date of Birth		55 Sex		56 Race		57 Height		58 Weight		59 Eyes		60 Hair		61 Complexion		62 Marks		63 Scars		64 Tattoos		65 Other	

66 Item	67 Property Status	68 Make	69 Quantity	70 Measure	71 Make or Brand	72 Color	73 Serial No.	74 Description (Type, Size, Color)	75 Value

76 Vehicle Status		77 License Plate No.		78 State		79 Exp. Mo.		80 Plate Issue		81 Value	

72 NARRATIVE

73 I WAS TRAVELING ON STATE ROUTE 17 WEST BOUND APPROACHING EXIT 71, I OVER HEARD A RADIO TRANSMISSION FROM JOHNSON C TY ABOUT A DISTURBANCE AND THEN SHOTS FIRED OFFICER DOWN I RESPONDED TO 32 HARRISON STREET IN THE VILLAGE OF JOHNSON CITY IN FRONT OF THE SOUTHERN TIER IMAGING. I NOTICED JOHNSON CITY PATROLMAN LOU CIOCCI ON THE WEST SIDE OF THE ROADWAY WITH A WHITE MALE SUBJECT WHO WAS FACE DOWN AND IN HANDCUFFS AND APPEARED TO HAVE BEEN SHOT THIS MAN WAS GRUNTING AND YELLING AND MAKING ODD NOISES PATROLMAN CIOCCI HAD BLOOD ALL OVER HIS HEAD AND I ASKED HIM IF HE WAS OKAY AND WHAT HE NEEDED AND WHERE OR IF THERE WAS ANOTHER SHOOTER. PATROLMAN CIOCCI ADVISED THAT THERE WAS ONLY ONE I RECOGNIZED JOHNSON CITY PATROLMAN D.W SMITH BEING LOADED UP ON A GURNEY BY SUPERIOR AMBULANCE EMT'S AND DETECTIVE SGT JASON

74 Inquiries: Check all that apply! <input type="checkbox"/> DMV <input type="checkbox"/> Court History <input type="checkbox"/> Warrant/Warrant <input type="checkbox"/> Stolen Property <input type="checkbox"/> Sex Offender <input type="checkbox"/> Other		75 NYSPIN Message No.		76 Complainant Signature	
77 Reporting Officer Signature (Include Rank) KEVIN SMITH		78 ID No. 264		79 Supervisor's Signature (Include Rank) THOMAS WILLIAMS	

Non-Criminal Incident Report 2014-00004453

(Narrative Continued)

ELLIS WAS ASSISTING THEM. SGT. ELLIS HAD ARRIVED SHORTLY BEHIND ME
DIRECTED MY ATTENTION BACK TO PATROLMAN CIOCCI.

I SPOKE WITH PATROLMAN CIOCCI BRIEFLY AGAIN AND I DID A PHYSICAL CHECK
ON HIM TO SEE IF HE WAS HIT AT ALL, I DID NOT NOTICE ANYTHING. I BACKED MY PATROL CAR UP AND
LAYING ON THE STREET AMONG SEVERAL EMPTY SHELL CASINGS WAS WHAT I RECOGNIZED AS A GLOCK
MODEL 22 PISTOL THAT HAD A MAGAZINE IN IT AND SLIDE WAS IN LOCK BACK POSITION. PATROLMAN CIOCCI
POINTED OUT TO ME WHERE THERE WAS A _____ AND _____

_____ HE STATED HE HAD FIRED FROM OVER THERE.
SUBARU WAS UNOCCUPIED _____ WAS OCCUPIED AND I SPOKE TO IT'S FEMALE F
OCCUPANT, _____

AND HAD WITNESSED THE SHOOTING, SHE WAS CRYING AND I SPOKE WITH HER TO CALM HER DOWN AND
TOOK HER INFORMATION. AS OTHER LAW ENFORCEMENT PERSONNEL ARRIVED I CONVEYED WHAT
INFORMATION I HAD AND ASSISTED WITH WHERE TO PUT UP CRIME SCENE TAPE AND AT ONE POINT I HAD
CALLED BROOME COMMUNICATIONS VIA RADIO TO ADVISE THAT THE SOUTH END OF HARRISON STREET
HAD TO BE CLOSED OFF. I STAYED WITH _____ AND WAS DIRECTED BY BINGHAMTON POLICE
CAPTAIN JACK COLLINS TO ESCORT HER WITH THREE OTHER WITNESSES THAT WERE WITH DEPUTY ROB
FISH. I WALKED WITH THE GROUP TO DEPUTY FISH'S PATROL VEHICLE AND THEY WERE TRANSPORTED TO
JOHNSON CITY POLICE DEPARTMENT BY DEPUTY ROB FISH.

K. D. SMITH #264

State of New York County of Broome
City Court City of Binghamton

B.P.D. Case# _____

The People of the State of New York
- vs -

SUPPORTING
DEPOSITION

Defendant _____ DOB: _____

AS FOR A SUPPORTING DEPOSITION, IN CONNECTION WITH AN
INFORMATION / MISDEMEANOR / FELONY COMPLAINT FILED, OR TO BE FILED WITH THE DISTRICT ATTORNEY,
THE ABOVE NAMED DEFENDANT, DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT

My name is _____ and having been born _____, I am _____ years of age

ON MONDAY MARCH 31 2014 I WAS WORKING AT WILSON'S
HOSPITAL LOCATED, 33-57 HARRISON STREET IN JOHNSON
CITY, NEW YORK

AT APPROX 0710AM
ON THIS DATE I WAS STANDING NEAR THE FRONT ACCESS
DOORS TO THE DECKER LOBBY ENTRANCE. FROM WHERE I
WAS STANDING I COULD SEE HARRISON STREET FROM #52
HARRISON STREET TO #30 HARRISON STREET. WHILE I WAS
STANDING IN THE DECKER ENTRANCE

AT THIS

THE ABOVE ALLEGATIONS OF FACT ARE MADE UPON DIRECT KNOWLEDGE (AND UPON INFORMATION
AND BELIEF), WITH THE SOURCES OF DEPONENT'S INFORMATION AND THE GROUNDS FOR HIS BELIEF
BEING

DIRECT KNOWLEDGE

NOTICE

(PENAL LAW, SECTION 210.45)

IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK,
FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT WHICH
SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

SIGNED AND AFFIRMED THIS 31ST
DAY OF MARCH, 2014

-OR-

DEPONENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS
____ DAY OF _____, 20____

INV JZ. WOOD
TAKEN BY

----- DURING THIS TIME
MY SUPERVISOR ----- AND
----- WERE ALL SITTING IN A WORK VAN
PARKED WITHIN THE DECKED TURNAROUND, WHICH CONNECTS
TO HARRISON ST. WHILE I WAS STANDING NEAR THE DECKED
ENTRANCE I SAW A JOHNSON CITY POLICE CAR PULL
UP ON HARRISON STREET AND PARK FACING CORLISS
AVE. THIS POLICE CAR PULLED UP AND PARKED AT A
METER DIRECTLY BEHIND A CAR THAT WAS ALREADY PARKED.
I DID NOT THINK ANYTHING ABOUT THIS COP PULLING UP
BECAUSE THE POLICE ARE ALWAYS AT THE HOSPITAL. I
CONTINUED TO GO ABOUT MY BUSINESS AND PROCEEDED TO SIT DOWN
IN A CHAIR NEAR THE DOOR. SHORTLY AFTER I SAW ----- JUMP OUT
OF THE PASSENGER SIDE OF THE VAN THAT WAS PARKED IN THE
DECKED TURNAROUND. ----- THEN RAN AROUND THE FRONT OF THE
VAN. I KNEW SOMETHING WAS WRONG AT THIS TIME BECAUSE
----- RAN FROM THE VAN. I THEN LOOKED OVER TO WHERE
----- RAN TO AND I SAW A POLICE OFFICER LYING ON HIS BACK
IN THE MIDDLE OF HARRISON STREET. I SAW A MALE WEARING
A ~~GREEN~~ CAMOUFLAGE COAT OR SWEATSHIRT STANDING OVER
THE POLICE OFFICER AS HE WAS LYING ON THE GROUND. THIS
MALE WAS HOLDING A DARK COLORED HANDGUN IN ONE OF HIS
HANDS AND WAS POINTING THIS HANDGUN AT THE POLICE
OFFICER. I THEN SAW THIS MALE SHOOT THE POLICE OFFICER

NOTICE

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FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT WHICH
SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

SIGNED AND AFFIRMED THIS 31
DAY OF MARCH, 2014

-OR-

DEPOSED BY

SUBSCRIBED AND SWORN TO BEFORE ME THIS

INV 12 WOODS

State of New York, County of Broome
City Court, City of Binghamton

B.P.D. Case# _____

The People of the State of New York
- 15 -

SUPPORTING
DEPOSITION

Defendant: _____
D.O.B. _____

_____, AS FOR A SUPPORTING DEPOSITION, IN CONNECTION WITH AN
(INFORMATION MISDEMEANOR OR FELONY COMPLAINT) FILED, OR TO BE FILED WITH THE COURT IN
THE ABOVE NAMED DEFENDANT, DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT
My name is _____ and having been born _____, I am _____ years of age

AT LEAST TWO TIMES, _____ THEN RAN INSIDE THE DECKER
ENTRANCE, WE BOTH RAN TO GET THE SECURITY GUARDS
TO HELP THE POLICE OFFICER. WHILE I WAS RUNNING TO THE
SECURITY OFFICE I BELIEVE I HEARD FOUR MORE GUNSHOTS
COMING FROM WHERE I SAW THE POLICE OFFICER BEING
SHOT PRIOR, WHEN I GOT TO THE SECURITY OFFICE I TOLD
_____ I THEN WALKED
OUT THE REAR OF THE SECURITY OFFICE AND SAW AN AMBULANCE
PULLED UP ON HARRISON STREET. I THEN WALKED BACK TO
THE DECKER LOBBY TO FIND MY CO-WORKERS TO SEE IF

THE ABOVE ALLEGATIONS OF FACT ARE MADE UPON DIRECT KNOWLEDGE (AND UPON INFORMATION
AND BELIEF), WITH THE SOURCES OF DEPONENT'S INFORMATION AND THE GROUNDS FOR HIS BELIEF
BEING _____

NOTICE

(PENAL LAW, SECTION 210.45)

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FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT WHICH
SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

SIGNED AND AFFIRMED THIS 31ST
DAY OF MARCH, 2014

DEPONENT

-OR-

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20 _____

INV. R. WOOD
TAKEN BY

THEY WERE OK. I THEN LOOKED OUTSIDE TO WHERE I
SAW THE POLICE OFFICER BEING SHOT FROM. I SAW MY
BOSS ON THE GROUND AND IT LOOKED LIKE HE WAS
ON TOP OF SOMEONE, BUT I'M NOT SURE WHO HE WAS ON TOP OF
OR WHAT HE WAS DOING. I THEN SAW A COP WITH AN
MP-5 LAW GUN STANDING THERE. I LOOKED TOWARDS
THE ROAD AND SAW A LARGE AMOUNT OF BLOOD.
AT THIS TIME MY MIND WAS RACING SO FAST AND I
THINK I WAS IN SHOCK.

NOTICE

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FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT WHICH
SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

SIGNED AND AFFIRMED THIS 31ST
DAY OF MARCH, 20 14

-OR-

SUBSCRIBED AND SWORN TO BEFORE ME THIS

INU R. WOOD



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 33

Case #: JCPD # 2014-2,598
BPD # 2014-8,886

Assigned to: Inv. Ryan Wood

Date: 03/31/14

On this date I was advised to respond to Wilson Hospital to assist with the homicide investigation involving the death of Johnson City Police Officer D.W. Smith. I arrived to BPD HQ and spoke with Lt Burnett. Lt Burnett advised for me to respond to Wilson Hospital to assist with interviewing witnesses in regards to this incident. Inv. Miller and I responded to Wilson Hospital in Johnson City, NY and were briefed by Assistant Chief Yeager. Assistant Chief Yeager advised that there were witnesses waiting to be interviewed in regards to this homicide. I located _____, who was waiting in the nurses lounge within the Emergency Room. I escorted _____ to a private area within the Emergency Room so I could interview him further. _____ was visibly shaken and appeared to be in shock. I asked _____ to take a few minutes to relax and think about what he witnessed in regards to this incident.

_____ advised that at approximately 0700am on 03/31/14 he was stationed at the Decker entrance, which is located directly off of Harrison Street, Johnson City, NY. _____ advised that on this particular day

_____ advised that during this time he was standing inside the automatic doors to this entrance while other team members were sitting in a parked vehicle directly outside of the Decker entrance. _____ occupying the parked vehicle were as follows: _____ advised that while he was inside the Decker entrance he observed a Johnson City Police vehicle stop and park on Harrison Street facing Corliss Ave. _____ advised that he observed this police vehicle park at a parking meter behind another civilian vehicle. _____ advised that he did not pay much attention to this police vehicle because he always sees the police in and around the Hospital. _____ advised that a short while later he observed _____ exit the passenger side of the van he was sitting in and begin to run around the front of the van. _____ advised that he could not see the police vehicle at this time because the parked van was blocking his view. _____ advised that at first he did not notice where _____ was going, but he assumed something was wrong since _____ ran around the front of the van. _____ stated that he then looked around the front of the parked van and observed a police officer was lying on his back in the middle of Harrison Street and that a male subject was standing over top of him. _____ advised that the male that was standing over the police officer was possibly wearing a camouflage colored jacket or

sweatshirt [redacted] advised that he observed this unknown male was holding a dark colored handgun and that he was pointing this hand gun directly at the police officer lying on the ground. [redacted] advised that this male subject then shot the police officer at least two times while he was lying on the ground. [redacted] advised that he was in shock at this point and that he turned and ran to the Security Office in an attempt to summons help. [redacted] advised that while he turned away from the shooting he heard additional gun fire. [redacted] advised that upon arrival to the Security Office he notified other employees of the incident [redacted] advised that while he was inside the Security Office he looked out the window and observed an ambulance driving on Harrison Street.

[redacted] advised that he then returned to the incident location and now observed paramedics and police officers on scene [redacted] advised that he also observed [redacted] was on the ground, but he was unable to see what he was doing [redacted] also advised that he observed a large amount of blood on the pavement where the police officer was lying previously. [redacted] advised that he was then brought to the nurse's lounge within the Emergency Room to await Investigators.

I secured a supporting deposition from [redacted] in regards to what he observed during the early morning hours of 03/31/14. This deposition is attached to and made part of this report [redacted]

Investigator Ryan Wood

STATE OF NEW YORK COUNTY OF BROOME
CITY COURT CITY OF BINGHAMTON

E. S. D. Case # _____

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

_____, AS FOR A SUPPORTING DEPOSITION,
IN CONNECTION WITH AN INFORMATION / MISDEMEANOR COMPLAINT / FELONY
COMPLAINT, FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT,
DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT:

I am _____ years of age, born _____ in _____

I arrived to work at approximately 6:45 am on
March 31st 2014. I parked my vehicle in the
parking lot at Corlies Ave. My co-worker
_____ picked me and my supervisor
_____ up and we drove to the turn around
in front of Decker lobby which is on Harrison
street in Johnson City. _____ was driving and
I was seated behind her and
the passenger seat. It was approximately 7:00 AM

The above allegations are made on direct knowledge (and upon information and
belief), with the sources of the Complainant's information and the grounds for his belief
being:

Direct Knowledge

NOTICE

(Penal Law, Section 210.45)

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KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH
PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed on this
31 day of March, 2014

Subscribed and sworn to before me this
_____ day of _____, 20____

Deponent

A. Miller
Taken by

When we pulled in and parked, I would estimate that we were sitting in the van for about 5 minutes when I saw a marked Johnson City patrol car pull up and park in front of Southern Tier Imaging 32 Hamilton St. A second marked Johnson City patrol car pulled in and parked on Hamilton St north of the first patrol car.

As the first patrol car pulled up and parked, I observed a white male come running toward the patrol car waving his hands as though he needed help. I think the white male was wearing a camouflage jacket and tan pants. He had glasses on and I think he had a mustache. He came running from the area of Southern Tier Imaging. The male approached the police officer at his driver side door. The police officer hadn't even gotten out of his car. As the police officer opened the car door, it appeared that he was trying to calm the man who was acting like he needed help. The police officer was getting out of the car and the man started punching the police officer in his head and face. Within a minute I heard the police officer the I heard two gun shots. After the first gun shot the officer fell to the ground. I watched as the man stood over the police officer and fired the second shot at his head. The male then started walking toward the second police officer and was shooting at the officer. The second police officer was shooting back at him. I believe the male was shot in his right side stomach area and he fell to his knees. The male managed to get up and continued to shoot at the police

NOTICE

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Signed and affirmed on this
_____ day of _____, 20__

Deponent _____

Subscribed and sworn to before me this
_____ day of _____, 20__

STATE OF NEW YORK COUNTY OF BROOME
CITY COURT CITY OF BINGHAMTON

B P D Case # _____

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

_____, AS FOR A SUPPORTING DEPOSITION,
IN CONNECTION WITH AN (INFORMATION / MISDEMEANOR COMPLAINT / FELONY
COMPLAINT), FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT,
DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT

I am _____ years of age, born _____ in _____

2/2

officer. I think the male was shot on
second time because the gun fell to the
ground. The officer approached the male
and the two began to wrestle on the
ground. I remember the male tried telling
that officers gun as well which is what
prompted the two to start wrestling.

The above allegations are made on direct knowledge (and upon information and
belief), with the sources of the Complainant's information and the grounds for his belief
being:

Direct Knowledge

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE
STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO
KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH
PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed on this
31 day of March, 2014

Deponent

Subscribed and sworn to before me this
_____ day of _____, 20__

security ran out and assisted the police officer
along with

managed to get him handcuffed and I believe they

The whole incident happened so quickly
I sat in the van frozen with fear. I
believe and exited the vehicle just
prior to the men taking the officers gun.

NOTICE

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KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH
PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and affirmed on this
_____ day of _____, 20__

Deponent

Subscribed and sworn to before me this
_____ day of _____, 20__



CITY OF BINGHAMTON POLICE DEPARTMENT
DETECTIVE BUREAU SUPPLEMENTARY REPORT



Lead number 39

Supplemental Binghamton Police case #14-8,886

Johnson City Police case #14-2,598

Interview [REDACTED]

Inv R wood and I responded to Wilson Hospital Emergency room and were advised that witnesses, [REDACTED] needed to be interviewed regarding the above said complaint. We were led to an employee break room where [REDACTED] were waiting. Inv Wood exited the break room with [REDACTED] to be interviewed separately. [REDACTED] was visibly distraught as she had just witnessed Officer Smith being shot only a short distance from where she was waiting in a vehicle. [REDACTED]

[REDACTED] in the "turn around" in front of the Decker building with her supervisor, [REDACTED] and another employee [REDACTED] while waiting in the UHS van. [REDACTED] observed two marked Johnson City patrol vehicles pull onto Harrison Street from Main Street and park in the vicinity of Sothern Tier Imaging. [REDACTED] advised she witnessed a white male approach the first police vehicle (Officer Smith) who was flailing his arms in a manner consistent with someone needing help. [REDACTED] stated that the white male then physically attacked the Police Officer as he was attempting to exit his police car. [REDACTED] stated that she heard two gunshots. [REDACTED] said that the second shot was directed at the officer's head while he was lying on the ground near his patrol vehicle. [REDACTED] advised that the male then began walking north on Harrison Street as he continued to shoot at the second responding Police Officer. [REDACTED] stated that the second Police Officer was shooting back at the male suspect and believes the suspect was struck in the right side of his stomach. [REDACTED] said the suspect fell to his knees briefly but got back up and continued to shoot at the Police Officer. [REDACTED] believed the suspect ran out of ammunition and the suspect dropped the gun. [REDACTED]

[REDACTED] stated that the Officer was assisted by two other males who helped get the suspect in custody.

I secured a deposition from [REDACTED] See deposition for further details.

Inv A. Miller



Broome County Sheriff's Office
Investigative Report
BCSO Case # 2014-4458
Associated Case #

Case Information

Assigned Officer: Det. John Harder
Offense Date/Time: 03/31/2014
Offense Location: 32-36 Harrison St. Village of Johnson City
Offense Type: Assist Agency

03/31/2014

Responded to the Johnson City Police Department to assist with the homicide of Ptl. David W. Smith. Suspect Jim Clark was an employee at Southern Tier Imaging and I was assigned to interview a fellow employee [REDACTED] states that upon her arrival to work she found the doors to Southern Tier Imaging locked and she was advised by Jim on several occasions that she was locked out of the building and that she could not come in. [REDACTED] was with a [REDACTED] at the side employee entrance when he had manually unlocked the door. When the two of them entered the building, Jim met them with a chair and forcefully kept them from entering the building. [REDACTED] saw them entry he ran out the door and up to Harrison St. [REDACTED] saw Jim and a Police Officer fall to the ground and she heard three gunshots. After the shots she saw Jim holding the gun and he began shooting it up the street. [REDACTED] provided a signed written statement to detectives during interview. [REDACTED] statement turned over to JCPD detectives.

Upon completion of interview with [REDACTED] myself and Det. Phelps met with [REDACTED] interviewed in reference to Jim's mental health history and recent behavior. [REDACTED] but stated that Jim had no previous mental health history or any history of violent outbursts or behavior. [REDACTED] did provide Det. Phelps with a signed written statement during interview.

While speaking with both [REDACTED] both parties stated that this behavior was completely out of the ordinary for Jim. Neither party knew of any personal problems

Jim had that would lead to this behavior, nor did they ever expect Jim would be capable of such acts.

Det. John Harder

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF BROOME

Page 1

Village of Johnson City

SS:

Date March 31, 2014 Time 0922

Place Johnson City Police Department

I, [REDACTED] an [REDACTED] years of age, having been born on [REDACTED]. My present address is [REDACTED]

and I have lived there [REDACTED] years. I have completed 16 years of school.

My present occupation is [REDACTED]. I am presently a (student) (unemployed) (employed) at Southern Tier Imaging

I FREELY VOLUNTEER THE FOLLOWING STATEMENT TO DET. John Harder a police officer with the Broome County Sheriff's Office:

(B) Can you tell me where you work and at approximately what time you arrived at work today?

A) I work at Southern Tier Imaging and I got to work today at around 7:00 am.

(Q) What did you observe when you got to work?

A) I parked into the parking lot and saw [REDACTED] getting out of her car. [REDACTED] had locked her car and began walking towards our building. I saw Jim's car in the lot. I parked next to [REDACTED] car and began walking to the building. When I got to the building, [REDACTED] had already come inside. I tried using the key pad at the employee entrance but I could not get the door open. After the second time I noticed that

Col pg. 2

NOTICE

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I have read this statement consisting of 4 page(s) and the facts contained therein are true and correct.

Signed and Affirmed this 31 day of March 2014

[REDACTED SIGNATURE]
Signature

Subscribed and Sworn to before me this 31 day of March 2014 ****

[REDACTED SIGNATURE]
Witness 1 Notary Public

STATE OF NEW YORK : : COUNTY OF BROOME
VILLAGE COURT : : VILLAGE OF JOHNSON CITY

Case #14-2598

THE PEOPLE OF THE STATE OF NEW YORK

- VS -

SUPPORTING
DEPOSITION

DEFENDANT(S)

On 3/31/2014 at 0840AM AM/PM, I [Redacted]
[Redacted] [Redacted] [Redacted] [Redacted] [Redacted]
Date of Birth Time Started Full Name
Street Address Town/City State Zip

state the following:

to Det HAVEN of the Johnson City Police Dept. at around 8:00 am I arrived at work, Wilson Hospital, located at 87 Harrison St Johnson City, New York. I am employed at [Redacted] and work on North St. I parked my car in the employee parking lot at Wilson Square. As I was walking in, I observed a police car parked on Harrison St. I then observed a policeman pulling a male from a car, consistent with the two of them struggling or fighting. I continued to walk across the street when I heard several loud bangs, like fireworks going off. I took off running and went into the stairwell, then proceeded to the main lobby. For a short time the bangs stopped but then they started back up again. I then went up to North Tower 2nd floor work. I just wanted to add that I never saw anyone with a gun. I don't wish to add anything further and will cooperate with the Police [Redacted].

[Signature]

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I have read and Affirmed this
on the 31st day of MARCH, 2014.
(or)
I have subscribed and Sworn to before me this
day of _____, 2014.

Title

[Redacted]
DEPONENT

WITNESS
[Signature]
Name of Officer Taking Deposition



CITY OF BINGHAMTON POLICE DEPARTMENT



DETECTIVE BUREAU
SUPPLEMENTARY REPORT
CASE NUMBER 2014-8886
MARCH 27, 2014
LEAD 44
SGT. C MINOR

INCIDENT: HOMICIDE
CODE: 0300
DATE: 03/31/2014
TIME: 0000
LOCATION: HARRISON ST, JOHNSON CITY NEW YORK

MARCH 31, 2014

JOHN CLARK:

ON THE ABOVE LISTED DATE INV. WOODY AND I, SPOKE TO [REDACTED] IN AN INTERVIEW ROOM AT JCPD. [REDACTED] IS THE FATHER OF THE SUSPECT, JIM CLARK. HE DESCRIBED HIS SON AS BEING A GOOD GUY AND DEVOTED TO HIS FAMILY. HE SAID THAT HE DID NOT KNOW OF ANY MAJOR ISSUES THAT MAY BE GOING ON IN HIS FAMILY LIFE OR AT WORK. HE DID MENTION THAT JIM WAS TAKING CARE OF THE HOUSE HOLD DUTIES MORE. HE EXPLAINED THIS TO BE COOKING AND CLEANING. HE FURTHER STATED THAT THERE WAS AN ISSUE INVOLVING TWO EMPLOYEES AT JIM'S WORK BUT IT DID NOT INVOLVE JIM. AND HE HAD NO FURTHER INFORMATION ON THE SUBJECT. HE SAID THAT HE LAST SAW JIM AT A FAMILY DINNER FOR JIM'S WIFE'S BIRTHDAY. HE SAID THAT THE DINNER WAS HELD LAST WEDNESDAY. HE SAID THAT HE DID NOT KNOW JIM TO DRINK EXCESSIVELY OR USE DRUGS. HE SAID THAT JIM ADORED HIS SON AND THAT JIM AND HIS WIFE LIVED FOR HIM FURTHER STATED THAT HIS SON WAS IN THE MARINE CORPS RESERVE AND BELIEVED HE SERVED IN A TANK UNIT. HE SAID THAT HIS SON DID NOT SEE COMBAT ACTION AND WAS HONORABLY DISCHARGED. HE DID NOT KNOW OF ANY CURRENT MEDICAL CONDITIONS THAT HE MAY HAVE HAD, AND SAID THAT HIS SON NEVER HAD ANY BRAIN TRAUMA ISSUES.

DURING THE INTERVIEW WE TOLD [REDACTED] THE CIRCUMSTANCES OF THE INCIDENT. JOHN WOULD ONLY SAY THAT SOMETHING MUST HAVE PISSED OFF JIM. WHEN ASKED IF HE HAD A TEMPER, [REDACTED] SAID THAT HE HAS NEVER SEEN HIS SON MAD. HE GAVE US THE NAME OF [REDACTED] THAT WAS FRIENDS WITH JIM. HE SAID THAT JIM WOULD FISH AND HUNT WITH [REDACTED] [REDACTED] COULD GIVE NO FURTHER INFORMATION ON HIS SON.

THE INTERVIEW WITH _____ WAS RECORDED. JCPD MADE A COPY OF THE
INTERVIEW FOR FURTHER DETAIL.

SGT. C MINOR



Broome County Sheriff's Office
Investigative Report
BCSO Case # 2014-4458

Case Information

Assigned Officer: Det. Sgt. Ellis
Offense Date: 03/31/2014
Offense Location: 32 Harrison Street Village of Johnson City
Offense Type: Police Officer Shooting

March 31, 2014

I was on Route 17 enroute to Wilson Hospital to retrieve an item from my personal vehicle. While enroute I heard a call for 32 Harrison Street where a subject was causing a disturbance. While exiting the highway onto Route 201 Broome County Communications broadcast an officer down with shots fired 32 Harrison Street. I got on the radio and went responding, while enroute i tried to obtain further information as to suspects possibly at large. While traveling east on Main Street I saw Broome Car 132 occupied by Deputy Kevin Smith coming west he turned onto Harrison Street I pulled behind him and proceeded to the scene. Upon arrival I saw Patrolman D. W. Smith on the ground near an ambulance and police car with a large pool of blood around his head. To my right I saw Deputy Smith approaching another uniformed officer and a subject in dark clothing on the ground. I ran toward Patrolman D.W. Smith, [REDACTED] with Superior Ambulance approached me and said that Patrolman Smith was gone there was nothing they could do. She then asked me what I wanted them to do I told her we needed to get him on a gurney and into the hospital. Patrolman Smith was loaded onto gurney and we took him to the trauma center through the Decker entrance of the hospital. Hospital staff performed CPR on Patrolman Smith and as they removed his clothing and duty gear I asked them to bag everything. Hospital staff were asking me to contact and get his family to the hospital they felt Patrolman Smith was not going to make it. I contacted communications and advised them I need the Johnson City Chief to the hospital due to Patrolman Smith's condition.

[REDACTED]



Broome County Sheriff's Office
Investigative Report
BCSO Case # 2014-4458

Page 2 Ellis

A Binghamton Patrolman arrived and took over watch of Patrolman Smith. I secured 2 bags of Smith's belongings. Hospital security also turned over 2 bags of the suspects belongings to my custody. All items were given to Investigator Jessica Griffin when she arrived to process the crime scene.

I responded to Johnson City Police Department and assisted with the investigation. While at the station the suspects wife came in to be interviewed. Detective Doyle and I interviewed and made notification about the death of her husband. The interview revealed no information regarding possible motive or cause for the suspects actions. did consent to search of her house and vehicle that the suspect drove. The interview was video recorded and she was released after the interview.

I assisted assigning personnel to the case until the end of shift.

No further action

Detective Sergeant Jason T Ellis



CITY OF BINGHAMTON POLICE DEPARTMENT
DETECTIVE BUREAU SUPPLEMENTARY REPORT



Lead sheet number 46

Supplementary report, Binghamton Police case number 2014-8886
(Johnson City Police case number 2014-2598)
Homicide
32-36 Harrison Street, Johnson City
March 31, 2014
Investigator R. Kunzman

Investigation and actions taken on March 31, 2014

I was assigned to interview witnesses from the incident at 32-36 Harrison Street in the Village of Johnson City. While I was asking for the next witness, I was approached by a subject who identified himself as . said that he was a supervisor for Superior Ambulance Services and he wanted to advise us that they had the original call to them recorded and they could make a copy of it. said that had no further information about the incident to provide in a deposition and none was secured.

After advising Sergeant C. Minor of the conversation with I went to retrieve the audio recording from Superior Ambulance.

Superior Ambulance Services Director of Operations, provided me with two copies of the recording on CD-R discs. I returned to Johnson City Police Headquarters with the discs and I tagged one2 into evidence with the assistance of Officer D. Eddie. The second copy was provided to Lieutenant M. Burnett as a working copy for supervisor review and their investigation.

I was advised by that the audio recording was from a woman at Southern Tier Imaging to Superior Ambulance services. The imaging center contracts their patient transports through Superior and she called for a psychiatric transport of an employee that was acting strangely.

Superior Ambulance Services, (607) 772-1457
REMT-P

Director of Operations
46 Exchange Street
Binghamton, NY 13901

Investigator R. Kunzman

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison Street, Johnson City	0703	657h	8,886	03-31-14

Police Administration requested I respond to this location, with my Explosives Detection K9 for a detail. When I arrived I was directed to search the suspects vehicle, which was parked in a parking lot on the next block over. I had my K9 partner, Dazee do a search of the exterior of the vehicle, without any indication of Explosives odor being detected. I then was directed to search the interior of the Southern Tier Imaging building. We searched both floors of this location and nothing was indicated on inside the location. I then assisted other units in securing the scene until advised to clear by Sgt. Quinones.

I also returned JCPD patrol vehicle 715 from the scene to JCPD.

Lead #

47

OFFICER'S NAME, RANK, & ID.

Ptl. Robert W. Kneer 296

APPROVED BY

Sgt. [Signature]

SUPPLEMENTARY POLICE REPORT

STATE OF NEW YORK COUNTY OF BROOME
CITY/FAMILY COURT CITY OF BINGHAMTON

BPD CASE # _____

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

SUPPORTING DEPOSITION

DEFENDANT _____ D.O.B _____

_____ AS FOR A SUPPORTING DEPOSITION, IN CONNECTION WITH AN (INFORMATION / MISDEMEANOR COMPLAINT / FELONY COMPLAINT) FILED WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT, DO HEREBY MAKE THE FOLLOWING ALLEGATIONS OF FACT

I am _____ years of age, having been born _____ in _____

ON MARCH 31, 2014 AT ABOUT 7:05 AM I WAS WORKING AND I WAS THE FRONT PASSENGER IN THE WORK VAN. THE DRIVER OF THE VAN WAS _____ AND WE WERE PARKED OUTSIDE THE FRONT DOORS OF THE DECKER LOBBY ON HARRISON STREET. I NOTICED SEVERAL PEOPLE STANDING OUTSIDE THE ENTRANCE TO SOUTHERN TIER IMAGING BUT I DONT THINK MUCH OF IT. WE WERE PARKED ACROSS THE STREET, POSSIBLY 50 FEET FROM SOUTHERN TIER IMAGING. I OBSERVED A TOMPSON CITY POLICE VEHICLE PULL UP IN FRONT OF SOUTHERN TIER IMAGING AND PARK IN AN EMPTY SPOT AT THE CURB. I SAW A WHITE MALE SUBJECT RUNNING DOWN THE STREET, COMING UP FROM BEHIND THE OFFICER AS HE WAS EXITING HIS PATROL CAR. THE OFFICER OPENED HIS CAR DOOR, PLACED ONE FOOT ON THE GROUND AND WAS ATTEMPTING TO GET OUT WHEN THE SUBJECT ATTACKED HIM. THE TWO WERE IN A PHYSICAL STRUGGLE AT THE OPEN DOOR OF THE POLICE CAR. I EXITED THE VAN AND RAN ACROSS THE STREET TO ASSIST THE OFFICER. THE SUBJECT WAS LEANING INTO THE PATROL CAR AND OVER TOP OF THE OFFICER AS THE OFFICER WAS STILL SEATED AND TRAPPED. THE TWO WERE IN A STRUGGLE INSIDE THE CAR AND I HEARD SOMEONE YELL SOMETHING ABOUT A GUN. I HEARD GUN SHOTS COMING FROM INSIDE THE PATROL CAR. I TOOK COVER BEHIND A CAR.

The above allegations of fact are made on direct knowledge (and upon information and belief), with the sources of Complainant's information and the grounds for his belief being:

DIRECT KNOWLEDGE

NOTICE

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Signed and affirmed this
31 day of MARCH, 2014

Deponent

Subscribed and sworn to before me this
31 day of MARCH, 2014

Witnessing Officer

THAT WAS PARKED IN FRONT OF THE PATROL CAR. I WAS CALLING 9-1-1 AT THAT TIME. I ADVISED THE 911 DISPATCHER THAT SWABS WERE FOUND AND AN OFFICER WAS DOWN. THE SUBJECT WAS WHEDED BACK UP THE STREET AWAY FROM ME AND YELLING SOMETHING LIKE I DON'T CARE, I DON'T CARE. I SAW THE OFFICER COLLAPSE BACKWARDS AND HE WAS ON THE GROUND, ON HIS BACK AND NOTHINGS THERE WAS A LARGE POOL OF BLOOD STARTING TO COME FROM THE BACK OF HIS HEAD. I HEARD SEVERAL GUN SHOTS AND OBSERVED ANOTHER POLICE OFFICER AND [REDACTED] A STRUGGLE ON THE GROUND. THE OFFICER WAS FACE DOWN ON THE STREET AND THE SUBJECT WAS ON THE OFFICER'S BACK. [REDACTED]

I ASSISTED [REDACTED] IN PULLING THE SUBJECT OFF OF THE OFFICER AND WE STRUGGLED TO GET HIM IN HANDCUFFS. I SAW BLOOD ON THE LEFT SIDE OF THE OFFICER'S HEAD AND I WAS NOT SURE IF HE WAS INJURED. OTHER OFFICERS ARRIVED ON SCENE TO ASSIST WITH THE SUBJECT. I OBSERVED A BLACK SEMI-AUTOMATIC HANDGUN ABOUT 10 FEET AWAY FROM WHERE THE SECOND STRUGGLE WAS. I REMEMBERED SEEING BRASS CASINGS ON THE STREET. [REDACTED]

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Signed and affirmed this

31 day of MARCH, 2014

[REDACTED]
Deponent

Subscribed and sworn to before me this

31 day of MARCH, 2014

INV. [REDACTED] KUNZMAN
Witnessing Officer



CITY OF BINGHAMTON POLICE DEPARTMENT
DETECTIVE BUREAU SUPPLEMENTARY REPORT



Lead sheet number 48

Supplementary report, Binghamton Police case number 2014-8886
(Johnson City Police case number 2014-2598)

Homicide

32-36 Harrison Street, Johnson City

March 31, 2014

Investigator R. Kunzman

Investigation and actions taken on March 31, 2014

I was assigned to interview witnesses from the incident at 32-36 Harrison Street in the Village of Johnson City. I was advised of a witness named [REDACTED] that was at Wilson Hospital in the Emergency Room. [REDACTED] was reported to have had a heart attack as a result of his involvement in the incident. I was advised to meet with [REDACTED] and take a supporting deposition from [REDACTED] if he was able.

Interview of [REDACTED] March 31, 2014

Investigator C. Hillman and I located [REDACTED] at Wilson Hospital recovery room with the assistance of [REDACTED]. [REDACTED] said that he had a heart attack this morning and he had just had a procedure to have a stent put in. He and his nurse said that he was well enough to speak with us and provide a supporting deposition.

[REDACTED] was working the morning of March 31, 2014 and he was the front seat passenger in the work van. The driver of the van was [REDACTED] and they were parked outside of the front doors to the Decker lobby on Harrison Street.

[REDACTED] said that he noticed several people standing outside of the entrance to Southern Tier Imaging but he didn't think much of it. They were parked across the street and possibly 50 feet from the Southern Tier Imaging building. [REDACTED] said that he observed a Johnson City Police vehicle pull up in front of the imaging center and park in an empty parking spot at the curb.

[REDACTED] said that he saw a white male subject running down the street, coming up from behind the officer as he was exiting his patrol car. The officer opened his car door, placed one foot on the ground and he was attempting to get out when the subject attacked him. The two were in a physical struggle at the open door of the police car. [REDACTED] said that he exited the van and ran across the street to assist the officer. The suspect was leaning into the patrol car and overtop of the officer as the officer was still seated and trapped.

[REDACTED] es that the two were in a struggle inside of the car and he heard someone yell something about a gun. [REDACTED] said that he heard gunshots coming from inside of the patrol car and he took cover behind the car parked that was parked in front of the patrol car. [REDACTED] saw the officer collapse backwards to the ground and he was on his back, motionless. [REDACTED] said that he called 9-1-1 from cover and advised the dispatcher that shots were fired and an officer was down.

[REDACTED] said the suspect was headed back up the street and yelling something like, I don't care, I don't care. He observed a pool of blood starting to come from the back of the officer's head. [REDACTED] heard more gunshots and then observed another [REDACTED] in a struggle on the ground. The officer was face down on the street and the suspect was on his back. [REDACTED]

[REDACTED] said that he assisted [REDACTED] pulling the suspect off of the officer and they struggled to get him in handcuffs. He said that he saw blood on the officer's head and he was unsure if the officer was injured. Other officers arrived on scene to assist with the subject.

[REDACTED] said that he did observe a black colored semi-automatic handgun about ten feet from where the second struggle took place. He further stated that he remembered seeing brass casings on the street. See the hand written deposition I secured from [REDACTED] that is attached and made part of this report.

[REDACTED]

Investigator R. Kunzman

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF BROOME

Date: 3/31/14 Time: 12:05 PM

[Redacted Name]

SS:

State: County Office B.D.

I, [Redacted Name] am [Redacted] years of age, having been born on [Redacted]. My present address is [Redacted] and I have lived there 1 years. I have completed 16 years of school. My present occupation is [Redacted]. I am presently a (student) (unemployed) (employed) at [Redacted].

I FREELY VOLUNTEER THE FOLLOWING STATEMENT TO DET. Det. Philips a police officer with the Broome County Sheriff's Office:

Q What can you tell us about your brother Tim Clarke, that may shed light on today's incident?

A. I don't know what to say. Tim was a caring person. He would be more likely to rush out to help a person than to do something violent or hurt someone. He had no prior history of violence. He used to smoke marijuana and drink alcohol in high school and college. But after he got married he settled down. Now he might have a beer now and then. He did have two serious concussions when he was a kid - a car accident when he was 18. I know he took medication for his Crohn's disease.

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I have read this statement consisting of 2 page(s) and the facts contained therein are true and correct.

Signed and Affirmed this 31 day of March 2014


[Redacted Signature]
Signature

Subscribed and Sworn to before me this 31 day of March 2014

[Signature]
Notary Public

VOLUNTARY STATEMENT
(continued)

Page 2062

Statement of: 

out that is all. The last time I saw him was when I had him and his family over for dinner around Christmas. Every thing was normal. Tim was a waiter and a nice guy. He was not into drugs or other women. He was normal, a normal guy. He was in the Marine Reserves. I remember the Gulf War, but got out when it was over. I am completely shocked that Tim was involved in this. He had to be out of his mind because the Tim I know would never do this.

X



Signature

VOLUNTARY STATEMENT

TIMMONS

Date 3-31-14 Time 1250

Place [REDACTED]

I, [REDACTED] am [REDACTED] years of age, having been born on [REDACTED]. My present address is [REDACTED]

and I have lived there [REDACTED] years. I have completed 16 years of school.

My present occupation is [REDACTED] I am presently a (student) (unemployed) (employed) at SELF EMPLOYED

I FREELY VOLUNTEER THE FOLLOWING STATEMENT TO DET. DOYLE a police officer with the Broome County Sheriff's Office:

Q: [REDACTED] WERE YOU AWARE OF ANY MEDICAL OR MENTAL ISSUES YOUR BROTHER JIM WAS HAVING.

A: HE HAD KROHN'S DISEASE, BUT IM NOT AWARE OF ANY MENTAL ISSUES.

Q: HOW ABOUT PERSONAL OR FAMILY ISSUES

A: NO / BUT IF THERE WERE ANY HE WOULDN'T HAVE TOLD ME. HE'S NOT LIKE THAT.

Q: WHEN WAS THE LAST TIME YOU HAD ANY CONTACT WITH HIM

A: AROUND CHRISTMAS

Q: IS THERE ANY MENTAL HEALTH ISSUES IN YOUR FAMILY

A: NO NOT RECALL. I HAD A COUSIN COMMIT SUICIDE ABOUT 20 YEARS AGO. I DON'T

NOTICE

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I have read this statement consisting of 2 page(s) and the facts contained therein are true and correct.

Signed and Affirmed this 31st day of MARCH

2014 [REDACTED]
Signature

Subscribed and Sworn to before me this 31st day of MARCH

2014**** [Signature] BCSO
Witness / Notary Public

VOLUNTARY STATEMENT
(continued)

Statement of: 

Page 2

KNOW WHAT THE ISSUE THERE WAS ABOUT
Q. SEEM IS THERE ANYTHING YOU CAN
THINK OF THAT MIGHT GIVE SOME CLUE
ON TIM'S BEHAVIOR THAT
A. NO, I CAN'T EVEN BELIEVE IT MAN



Signature



CITY OF BINGHAMTON POLICE DEPARTMENT
DETECTIVE BUREAU SUPPLEMENTARY REPORT



Lead number 52

Supplemental Binghamton Police case #14-8,886

Johnson City Police case #14-2,598

Interview of [REDACTED]

Inv R wood and I responded to [REDACTED] to speak with [REDACTED] who is the mother of suspect, James Clark [REDACTED] and [REDACTED] (James and [REDACTED] son) answered the door. We introduced ourselves and [REDACTED] invited us into her residence. I asked if there was somewhere we could speak in private. [REDACTED] sent [REDACTED] downstairs to watch TV and the three of us went into the kitchen. We asked [REDACTED] what she knew thus far regarding the shooting that occurred earlier that day. [REDACTED] stated that she was told her son, James, and a Police Officer were involved in a shooting, but she didn't know any of the details. At this point [REDACTED] mother, [REDACTED], arrived and I asked her if she could sit with [REDACTED] downstairs and she agreed. Inv Wood then told [REDACTED] that James had approached a Police Officer and assaulted the Officer then disarmed him of his weapon shooting and ultimately killing the Police Officer. We explained that another responding Police Officer had to use deadly force against James and he was subsequently shot and died as a result of his injuries. [REDACTED] became overcome with grief and asked that we give her a minute [REDACTED] asked if I could please go downstairs and ask [REDACTED] if she would take [REDACTED] home to her house which she did. We explained that we know this is extremely difficult but we had some questions we would like to ask her. After giving [REDACTED] a few minutes to compose herself we began to ask her if she has noticed if James has displayed any unusual behavior recently. [REDACTED] advised that she and James are very close; however, she has noticed James to be "cold" and distant lately. When asked if she could elaborate [REDACTED] stated that she couldn't give any examples just his demeanor has become more withdrawn in the last year or two. [REDACTED] stated that James and his wife [REDACTED] have been married for over twenty years and to her knowledge they weren't having any marital or financial problems. According to [REDACTED], James was diagnosed with Crohns disease a few years ago but that is being controlled with medication. [REDACTED] did say that James would complain about how expensive the medicine is. I asked [REDACTED] if she knew if James had any mental health history and she indicated he did not to her knowledge nor was he depressed. [REDACTED] described James as being a hard working, family man, who was outgoing and usually the life of the party. According to [REDACTED], James liked to golf and they recently paid there golf membership for Geny golf course. [REDACTED] stated that James, [REDACTED], and [REDACTED] were over for dinner the previous Thursday and he appeared fine. [REDACTED] did state that James told her a story that night about an issue that occurred at work involving a mishap with a patients eye glasses. Apparently, a patient accidentally took another patients eye glasses and when they called him asking if he

would come back and return them the patient refused because he lived in Deposit. After that patient refused to return the glasses staff had to call JCPD who got involved and made the man return the glasses. [redacted] advised that she couldn't think of any other issues that ever occurred at work. [redacted] stated that James has worked at Southern Tier Imaging for ten plus years and has had no personal issues there that she could recall. [redacted] further advised that James had no issues with Police or any criminal record other than a few vehicle and traffic violations. I asked [redacted] if James served in the Military and she advised he was in the Marine Core for a brief time but couldn't recall the circumstances as to why he got out.

[redacted] and [redacted] husband returned home from JCPD. [redacted] asked if we had any suggestions on how they should tell [redacted] about what happened. We asked if they had any clergy members who may be of assistance or a counselor. We talked briefly for a few minutes before concluding our interview. Ultimately, [redacted] had no insight as to why James would have done this. [redacted]

A. Miller



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 53

Case #: 14-8,886

Assigned to: INV Peters

Date: 3/31/14

LEAD NUMBER 53- Search Warrant for [REDACTED]

INVESTIGATION AND ACTION TAKEN 3/31/14

Created a search warrant for [REDACTED]. LT Burnett notified me via telephone that [REDACTED], James Clark's wife, confirmed that he resides there. I completed an application for the search warrant and presented it to Judge Joseph Cawley. He reviewed the application and signed the warrant. The original signed warrant and application were turned over to the Lead Desk. A copy of the warrant was emailed to INV Franz (NYSP). Another copy of the warrant was given to SGT Creagh for delivery to the search location.

INV PETERS

SEARCH WARRANT

COUNTY COURT, BROOME COUNTY, NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK, AND PURSUANT TO THE AUTHORITY OF ARTICLE 690 OF THE CRIMINAL PROCEDURE LAW OF THAT STATE:

TO: ANY SWORN OFFICER OF THE DIVISION OF THE STATE POLICE OF THE STATE OF NEW YORK, ANY SWORN DEPUTY OF THE BROOME COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF THE POLICE DEPARTMENT OF THE CITY OF BINGHAMTON, ANY SWORN OFFICER OF THE CHEMANGO COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF THE POLICE DEPARTMENT OF THE VILLAGE OF JOHNSON CITY, THE BROOME COUNTY DISTRICT ATTORNEY'S OFFICE, THE BROOME COUNTY GOVERNMENT SECURITY DIVISION "CATS" UNIT, AND ANY MEMBER OF THE FEDERAL BUREAU OF INVESTIGATIONS.

An application in writing having been made before me this day by Inv Carl R. Peters indicating that there is reasonable cause to believe that property of a kind or character referred to in Section 690.10 of the Criminal Procedure law, and more particularly described in said application, may be found in or upon the place, premises, vehicle, person or persons described therein,

YOU ARE HEREBY AUTHORIZED, BETWEEN THE HOURS OF 6:00 AM AND 9:00 PM, AND WITH GIVING NOTICE OF YOUR AUTHORITY AND PURPOSE, TO SEARCH THE FOLLOWING STRUCTURE(S):

[REDACTED] A gray, one story structure with an attached two car garage and an attached shed on the south side of Turner Street. The number [REDACTED] is affixed to the front of the house.

FOR THE FOLLOWING PROPERTY:

Any firearms and ammunition, bombs, bomb making devices, or explosive materials. Any computers, tablets, cellular phone, memory cards, external hard drives, and media devices with storage capabilities. Any periodicals, correspondence, journals, writings, etc. Any medications, medical documents, discharge or diagnosis documents, or any other evidentiary items that may hold value in the homicide of PTL David W. Smith.

AND YOU ARE HEREBY DIRECTED to bring any such property seized pursuant to this Warrant before me at this office in the City of Binghamton, Broome County, New York, without unnecessary delay.

Issued at Binghamton, New York
this 01 day of March, 2014
at 12:39 ~~A.M.~~ P.M.



County Court Judge
County of Broome,
State of New York



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 54

Case #: JCPD # 2014-2,598
BPD # 2014-8,886

Assigned to: Inv. Ryan Wood

Date: 03/31/14

On this date I was advised to locate and interview [REDACTED] who is known to be a close friend of James Clark. Inv. Miller and I located [REDACTED]. [REDACTED] invited Inv Miller and I inside his residence so we could talk. Inv. Miller and I spoke with [REDACTED] in the dining room within his residence.

[REDACTED] advised that he knew why we were at his residence and that he had heard about James Clark and his involvement with a shooting in Johnson City earlier today. I began speaking with [REDACTED] in regards to his relationship with James Clark. [REDACTED] advised that he has known James for most of his life and that the two of them used to compete against one another during wrestling season. [REDACTED] advised that he attended Whitney Point High School during the same time that James attended Greene High School. [REDACTED] advised that he was a member of the Whitney Point High School wrestling team and that James was a member of the Greene High School wrestling team. [REDACTED] advised that he was in the same weight class as James and that the two of them often competed against one another. [REDACTED] stated that he and James became good friends throughout high school and that their friendship continued when the two of them were in the United States Military together.

[REDACTED] advised that he served in the United States Marine Corps with James after they both graduated from high school. [REDACTED] advised that they served together in the Bravo Company that was based in Syracuse, New York. [REDACTED] stated James served in the Marine Corps for approximately 2-3 years and did not see active combat during this timeframe. [REDACTED] advised that while James was serving [REDACTED].

[REDACTED] stated that he subsequently attended college with James and that the two of them attended Broome Community College during the years of 1993 through 1994. [REDACTED] advised that after they graduated from Broome Community College James decided to attend Upstate Medical School to obtain his bachelor's degree. [REDACTED] advised that he remained in constant contact with James throughout the remainder of his life.

[REDACTED] advised that James subsequently gained employment as an x-ray technician. [REDACTED] advised that he believes that James has been employed by his current employer for a number of years. [REDACTED] stated that he did not believe that James had any issues within his current workplace. He mentioned that on one occasion James told him that he did not care for his

boss, whose name is [REDACTED] advised that James told him that he thought [REDACTED] was [REDACTED] advised that he did not believe this to be alarming and stated that this was just his way of venting about his boss. [REDACTED] advised that James expressed happiness that he had been promoted to the day shift since he used to work odd hours previously. He stated that James has been working the day shift at the location for approximately 2-3 years. I asked [REDACTED] career is stressful. [REDACTED] advised that he also works as an x-ray technician, but at a different location out of the area. [REDACTED] advised that the job can be stressful at times, but that James appeared to handle this stress well.

[REDACTED] advised that throughout his friendship with James the two of them would hunt and fish together. [REDACTED] advised that James is also an avid golfer and that he usually has a season pass to Genegantslet Golf course in Greene, New York. [REDACTED] advised that he usually golfs with James throughout the season. [REDACTED] advised that to the best of his knowledge James did not own any handguns, just hunting rifles.

[REDACTED] advised that James was diagnosed with Crohn's disease approximately 2 years ago. [REDACTED] stated that James had a hard time with this disease at first, but that he has maintained a healthy lifestyle with the assistance of prescribed medications. [REDACTED] advised that James [REDACTED] which allegedly helped his battle with Crohn's disease. Other [REDACTED] advised that he does not know James [REDACTED] advised that James did drink alcohol and when he did he drank gluten free beer due to his Crohn's disease. He also did not know James to have any mental health issues that would interfere with his thought process.

[REDACTED] advised that he has never known James to be a violent person. He also stated that James rarely became upset during their friendship. [REDACTED] advised that to the best of his knowledge James did not have any marital issues at home. [REDACTED] advised that James had one son who he absolutely adored. He also stated that James never expressed having any financial issues. [REDACTED] advised that James makes a great salary as an x-ray technician and that his wife most likely brings home more money than James since she is a [REDACTED] advised that James took pride in his vehicle and enjoyed performing work on such. He also advised that James has never showed hatred or anger towards authority, especially law enforcement. [REDACTED] stated that James had a great family who he was always in contact with. [REDACTED] advised that he knows his parents personally and that James has three brothers named [REDACTED]. He stated that [REDACTED] resides in [REDACTED] and that [REDACTED] and [REDACTED] reside in the [REDACTED].

[REDACTED] advised that he used to communicate with James through telephone conversations and text messages. [REDACTED] advised that he last spoke with James on the telephone approximately 3 weeks ago. He advised that the two of them discussed everyday issues and topics, which included their family and current events. During this conversation James appeared normal. [REDACTED] advised that he and James were supposed to meet at the Legends Golf Center to hit a bucket of golf balls last week. [REDACTED] advised that he could not make the scheduled meeting and that he had to cancel. [REDACTED] advised that this cancellation was the last known contact he had with James.

[REDACTED] advised that during the day on 03/31/14 he was watching the news and observed the shooting that had taken place in and around Southern Tier Imaging in Johnson City, New York. [REDACTED] advised that from prior knowledge this is where James was employed. [REDACTED] advised that he sent James a text message in regards to this observed incident. [REDACTED] advised that he sent James [REDACTED]

[REDACTED] advised that James never responded to his text as he usually does. [REDACTED] advised that he then sent James another text message around 1030 am asking James to text him back. [REDACTED] advised that he never received a return text from James, which made him extremely nervous. [REDACTED]

[REDACTED] advised that when he sent this message he did not know James was involved with this incident. [REDACTED]

I asked [REDACTED] if he feels James behavior the morning of 03/31/14 is indicative of his everyday personality. [REDACTED] advised that he was in shock to hear that James was responsible for killing a police officer. [REDACTED] advised that he could not believe this to be true. He stated that James was never a violent person and that he was caring and giving. [REDACTED] advised that James must have "snapped" to have done something like this. The only possibility [REDACTED] could come up with was that James may possibly have had an incident at work, other than that he had no clear and concise explanation for James actions. [REDACTED] advised that James would be the one person to help a police officer not injure one. In summary [REDACTED] could not believe the fact that James had been involved in such an incident. I advised [REDACTED] to contact me if any further information becomes available.

[REDACTED]

Investigator Ryan Wood

LEAD # 70

Detective supplement

Location: 32 Harrison St, Johnson City NY

Date: 03/31/14

Time: 0703

Code: Homicide

On the above said date and time I responded to the Johnson City Police department to assist in the Homicide investigation of Ptl. D.W. Smith. Upon my arrival I was assigned with other members of the Broome County Special Investigations Unit, to respond to [REDACTED] the residence of the Homicide suspect James Clark, to start a neighborhood canvas.

Upon my arrival Inv. Gazdik and I canvased the following locations.

[REDACTED]

Interviewed: [REDACTED]

While speaking with [REDACTED] he indicated that he did know Clark and said he was a nice person who was very polite, laid back family man. [REDACTED] said Clark was not into guns and he did not believe him to be a violent person.

[REDACTED]

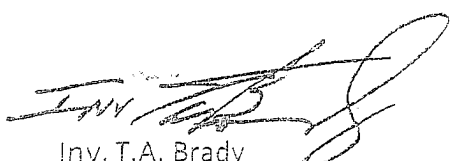
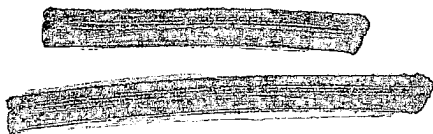
Interviewed: [REDACTED]

[REDACTED] said she just got back in town from Florida and stated she did not know the Clark Family.

[REDACTED]

Interviewed [REDACTED]

[REDACTED]



Inv. T.A. Brady

BPD # 14-8886

City of Binghamton Police Department Detective Bureau Supplemental Report

Captain J. D. Collins

Lead #71 / Interview of [REDACTED]

On March 31, 2014, I contacted [REDACTED] via phone number [REDACTED]. Information was developed that she is friends with James Clarke and [REDACTED]. [REDACTED] stated that she now goes by the name of [REDACTED]. Her husband is named [REDACTED]. Both [REDACTED] reside in the [REDACTED]. [REDACTED] stated that she has been friends with both James and [REDACTED] for several years. She stated that she and [REDACTED] had dinner with them over the past weekend and has spent their vacations together in the past. [REDACTED] stated that she knows of no drug problems or marital problems that either James or Jennifer may have. She did know that James suffers from Crohns disease but had no additional information on any medications James may be taking or other medical conditions. She stated that she is shocked to hear that James was responsible for shooting a police officer.

No further action taken.

CAPT. J. D. COLLINS

L240 7-2



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT

JCPD CASE #2014-2598

Officer Assigned: Inv. M. Gazdik
Offense Date/Time: 03/31/14 @ 0703 hrs
Offense location: 32 Harrison St

Pg. 1 of 1

Inv. T. Brady and I were directed to the area of [REDACTED]
[REDACTED] Inv. Brady and I were directed to assist police in the area in conducting a canvas of residences in the neighborhood of James Clark.

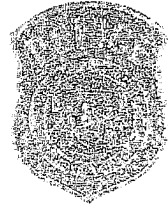
I spoke with [REDACTED] states she did not personally know Clark. I additionally spoke with [REDACTED] who lives at [REDACTED] states he just moved into the area approximately 2 months ago. [REDACTED] stated he did not personally know James Clark.

I was with Inv. Brady at 2 additional residences on [REDACTED] which are included in his report.

Inv. M. Gazdik

Inv. M. Gazdik

Lead # 74



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT

JCPD CASE #2014-2598

Officer Assigned: Inv. D. Burns

Offense Date/Time: 03/31/2014 @ 07:03 Hours

Offense location: 32 Harrison Street

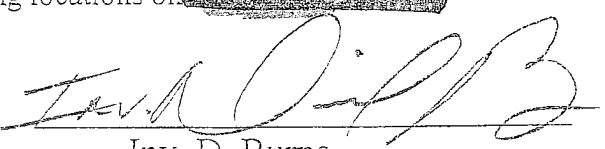
Offense Type:

Pg. 1 of 1

On the above date, at approximately 10:15am, Inv. R. Burnett and I were directed to [REDACTED] in order to assist in a canvas of the area. During our canvas we spoke with [REDACTED] and [REDACTED] stated that she and her husband, [REDACTED], have known the Clark's since moving to the neighborhood in 2002. [REDACTED] stated that she has never witnessed or known of James Clark having any problems. [REDACTED] stated that her 10 and 11 year old sons play with James' son all time. [REDACTED] said that she knows James to be artistic and a very nice person. [REDACTED] said she has never seen James get mad or lose his temper, and described James as a happy person.

[REDACTED]

Received no answer at the following locations on [REDACTED]
[REDACTED]


Inv. D. Burns

#75

State of New York County of Broome
Village Court Village of Johnson City

Comp. #

The People of the State of New York
- vs -

Supporting
Deposition

Defendant(s)

On 3/31/2014 at 0856 AM, [REDACTED], residing at [REDACTED] state the following:
That today 03/31/14 at around 700 in the morning i arrived at my work, Southern Tier Imaging. I parked my car on Harrison St, by the meters. I parked my car which is at [REDACTED] at the second meter by my building. As i sat in my car i noticed that there was a police officer standing at the rear of a blue car that was parked directly in front of me. I also noticed that there a was another police officer at the front of the building that i work at. and that he was talking to a guy that was wearing a multi colored print shirt.

The next thing that I know, I heard a gunshot. I looked up and saw the cop that was in front of me start to move forward. I then heard multiple gunshots and the cop I saw moving forward was moving back towards me. Someone was shooting at the cop. i don't know who it was. I then saw the cop shooting back in the direction of where I saw the cop and the guy in the multi colored shirt talking. As i saw the second cop shooting I also saw a guy in dark clothes laying on the ground in front of my building. I think that it was the cop that I saw talking in front of my building. The shooting then stopped and I saw the cop that was next to me begin to move in the direction of my building. I looked up and saw the guy in the multicolored shirt lying on the ground. I was scared when I heard all the shooting, i think i heard about 7 gunshots. It was obvious that someone was trying to kill the Police Officers.

NOTICE

(Penal law, Sec. 210.45)

IT IS A CRIME AS A CLASS A MISDEMEANOR UNDER THE LAWS OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

3/31/14 0921

Date Signed and Affirmed

[REDACTED]

Deponent

Witness

Time Ended

SOT C L L C

Signature of Officer Taking Deposition



CITY OF BINGHAMTON POLICE DEPARTMENT



DETECTIVE BUREAU
SUPPLEMENTARY REPORT
CASE NUMBER 2014-8886
MARCH 27, 2014
LEAD 75
SGT. C MINOR

INCIDENT: HOMICIDE
CODE: 0300
DATE: 03/31/2014
TIME: 0000
LOCATION: HARRISON ST, JOHNSON CITY NEW YORK

MARCH 31, 2014

[REDACTED]

ON THE ABOVE LISTED DATE I SPOKE TO [REDACTED] IN AN INTERVIEW ROOM AT JCPD. [REDACTED] WAS A WITNESS TO THE SHOOTING, INVOLVING P.O. SMITH. [REDACTED] STATED THAT SHE WORKS AT SOUTHERN TIER IMAGING. SHE FURTHER STATED THAT SHE HAD ARRIVED AT WORK AROUND 0700 HRS. SHE SAID THAT SHE PARKED HER CAR BY A METER ON HARRISON ST. SHE SAID THAT WHILE SITTING HER CAR, SHE SAW A POLICE OFFICER TALKING WITH A MAN IN A MULTI COLORED SHIRT. SHE SAID THAT SHE THEN HEARD GUNSHOTS, AND A SECOND OFFICER BEGIN TO GO IN THE DIRECTION OF THE FIRST OFFICER. SHE SAID THAT THE SECOND OFFICER CAME FROM BEHIND HER. SHE SAID THAT SHE THEN HEARD SEVERAL MORE GUNSHOTS, AND THAT THE SECOND OFFICER BEGAN TO RETREAT, TAKING COVER BEHIND A VEHICLE PARKED DIRECTLY IN FRONT OF HER. SHE SAID THAT THE OFFICER THEN BEGAN TO FIRE HIS WEAPON IN THE DIRECTION OF WHERE SHE SAW THE FIRST OFFICER AND THE MAN IN THE MULTICOLORED SHIRT. A DEPOSITION WAS TAKEN OF HER ACCOUNTS. IT IS ATTACHED TO AND MADE PART OF THE CASE FILE.

SGT C MINOR

THE PEOPLE OF THE STATE OF NEW YORK

- 13 -

SUPPORTING DEPOSITION

DEFENDANT(S)

On 3-31-2014 at [redacted] AM/PM, I [redacted]
[redacted] [redacted] Full Name
[redacted] [redacted] [redacted]
Date of Birth Street Address Town/City State Zip

state the following:

I WAS WORKING AT WILSON HOSPITAL IN JOHNSON CITY NY. [redacted]
[redacted] WAS IN THE ER GETTING OBSERVED
BY THE [redacted] BECAUSE WE WERE IN SHIFT CHANGE.
AS I WAS TALKING WITH MY CO-WORKER, A [redacted] NAMED [redacted]
CAME RUNNING INTO THE ER YELLING "THEY'RE SHOOTING OUT THERE!
THEY JUST SHOT A COP!" AT THAT POINT I RAN OUT THE BACK
DOOR OF THE ER TO THE DECKER LOBBY. WHEN I GOT OUTSIDE,
ONE OFFICER WAS LYING ON THE GROUND IN THE STREET NEXT
TO HIS PATROL CAR. ANOTHER OFFICER WAS ON THE GROUND FIGHTING
WITH A WHITE MALE WITH BROWN HAIR AROUND FORTY YEARS OLD.
THE COP WAS FACE DOWN AND THE WHITE MALE WAS ON HIS BACK
TRYING TO GET HIS GUN. THE OFFICER TOLD ME HER HEADS
HELP AND THAT HE HAD THE GUN AND ITS EMPTY. I RAN UP, PUT
THE WHITE MALE IN A CHAIR HOLD AND THREW HIM ON THE
PAVEMENT NEXT TO THE OFFICER. I HAD THE WHITE MALE
DOWN UNTIL THE OFFICER PUT HAND EYES ON HIM. AT THAT POINT,

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK,
OR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT,
OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Subscribed and Affirmed this
31 day of MARCH, 2014
[redacted]
Subscribed and Sworn to before me this
[redacted] day of [redacted], 2014
[redacted]
Title

[redacted]
DEPONENT

WITNESS
[redacted]
Name of Officer Taking Deposition

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING DEPOSITION

DEFENDANT(S)

On 3-31-2014 at [redacted] AM/PM, I [redacted]
[redacted] Date of Birth [redacted] Time Started [redacted] Full Name [redacted]
[redacted] Street Address [redacted] Town/City [redacted] State [redacted] Zip [redacted]

state the following:

[redacted] HELPING THE OFFICER HOLD THE WHITE MALE DOWN.
I GOT UP AND WENT TO HELP THE OTHER OFFICER. THE OFFICER WASN'T MOVING OR BREATHING AND WAS SHOT IN THE HEAD. I CHECKED HIS PULSE BUT COULDN'T FIND ONE. I WENT BACK TO THE OFFICER WHO HAD THE WHITE MALE ON THE GROUND AND HE INSTRUCTED ME TO SHUT THE STREET DOWN. I STARTED DIRECTING TRAFFIC UNTIL OTHER EMERGENCY PERSONNEL SHOWED UP.
WHEN I WAS RELIEVED FROM TRAFFIC, I BEGAN GETTING NAMES, NUMBERS AND ADDRESSES FROM WITNESSES WHO WERE THERE. I GAVE THE INFORMATION I GATHERED TO A BURLINGTON POLICE OFFICER.
I WOULD LIKE TO ADD THAT WHEN I CHECKED THE INJURED OFFICER'S PULSE AND THEN WENT BACK TO ASSIST THE OTHER OFFICER, I OBSERVED A BLACK HANOI GUN LAYING IN THE STREET. THE GUN WAS TEN OR FIFTEEN FEET AWAY FROM WHERE THE OFFICER WAS FIGHTING WITH THE WHITE MALE.

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, OR A PERSON IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

signed and Affirmed this
31 day of MARCH, 2014
(or)
described and Sworn to before me this
day of _____, 2014

[redacted]
DEPONENT

WITNESS

Title

INV. J. MADDON
Name of Officer Taking Deposition



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 76

Case #: BPD 2014-8386 JCPD # 14-2598

Assigned to: Inv D Maroney

Date: 03/31/2014

Interview of [REDACTED]

On March 31, 2014 I responded to JCPD to assist in an officer involved shooting. While at JCPD, I interviewed [REDACTED] regarding the incident. [REDACTED] was on duty at the time of the incident. [REDACTED] was alerted that someone was shooting outside of the Emergency Room and that an officer had been shot. [REDACTED] immediately ran outside and saw an officer (Smith) lying in the road (unresponsive) and another officer (Cioci) struggling with a white male. [REDACTED] states the officer was face down in the street and the white male was on top of him trying to take his gun. [REDACTED] states that the officer was asking for help so he grabbed the white male that was on top of the officer and put him in a choke hold. [REDACTED] was able to pull the white male off the officer and hold him down until the officer could get hand cuffs on him. Once the white male suspect was cuffed, [REDACTED] went to the unresponsive officer (smith) and tried to help him. Upon checking on Officer Smith, [REDACTED] didn't believe Smith was breathing and couldn't find a pulse. [REDACTED] believed Officer Smith was shot in the head and was deceased. As more emergency personnel arrived, [REDACTED] began assist with directing traffic.

See hand written deposition that I secured from [REDACTED]

Investigator D Maroney



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 77

Case #: 14-8,886

Assigned to: INV Peters

Date: 3/31/14

LEAD NUMBER 77- Search Warrant for Dell Computer

INVESTIGATION AND ACTION TAKEN 3/31/14

Created a search warrant for a Dell Optiplex computer. SGT Creagh contacted me via telephone and stated the computer was located during the search of [REDACTED]. He relayed the model number and service tag number for the computer, which was secured as evidence during the search. I completed an application for the search warrant and presented it to Judge Joseph Cawley. He reviewed the application and signed the warrant. The original signed warrant and application were turned over to the Lead Desk.

INV PETERS

LC#77

SEARCH WARRANT

COUNTY OF BROOME COURT, BROOME COUNTY, NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK, AND PURSUANT TO THE AUTHORITY OF ARTICLE 690 OF THE CRIMINAL PROCEDURE LAW OF THAT STATE:

TO: TO: ANY SWORN OFFICER OF THE DIVISION OF THE STATE POLICE OF THE STATE OF NEW YORK, ANY SWORN DEPUTY OF THE BROOME COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF THE POLICE DEPARTMENT OF THE CITY OF BINGHAMTON, ANY SWORN OFFICER OF THE CHENANGO COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF THE POLICE DEPARTMENT OF THE VILLAGE OF JOHNSON CITY, THE BROOME COUNTY DISTRICT ATTORNEY'S OFFICE, THE BROOME COUNTY GOVERNMENT SECURITY DIVISION "CATS" UNIT, AND ANY MEMBER OF THE FEDERAL BUREAU OF INVESTIGATIONS.

An application in writing having been made before me this day by Investigator C. Peters indicating that there is reasonable cause to believe that property of a kind or character referred to in Section 690:10 of the Criminal Procedure law, and more particularly described in said application, may be found in or upon the place and premises described therein,

YOU ARE HEREBY AUTHORIZED TO SEACH THE FOLLOWING PREMISE(S), VEHICLE(S) AND PERSON(S):


Dell Optiplex Computer, Model number GX620, service tag # 6BT3BB1

FOR THE FOLLOWING PROPERTY:

Any website browsing history, contacts, photographs, documents, electronic data, stored information, electronic storage devises, deleted files, digital storage devises, etc.

AND YOUR ARE HEREBY DIRECTED to bring any such property seized pursuant to this Warrant before me at this office in the City of Binghamton, Broome County, New York, without unnecessary delay.

Issued at ^{JFC} the City of Binghamton, New York
this 31 day of March 2014
at 4:01 A.M./P.M.



COUNTY OF BROOME, COUNTY COURT,
STATE OF NEW YORK



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 78

Case #: 14-8,886

Assigned to: INV Peters

Date: 4/1/14

LEAD NUMBER 78- Search Warrant for James Clark's Verizon Telephone Records

INVESTIGATION AND ACTION TAKEN 4/1/14

Contacted Celco Partnership dba Verizon Wireless and verified that Clark's number, [REDACTED] belonged to them. Once verified, I created a Preservation Letter for all records associated with the line and faxed it to Celco. I completed an application for the search warrant for the records and presented it to Judge Joseph Cawley. He reviewed the application and signed the warrant. The original signed warrant and application were turned over to the Lead Desk. The Preservation Letter was also turned over to the Lead Desk.

A copy of the warrant was served on the Verizon Wireless Store on the Vestal Parkway.

INV PETERS



CITY OF BINGHAMTON POLICE DEPARTMENT



CITY HALL - GOVERNMENT PLAZA - 38 HAWLEY STREET BINGHAMTON, NY 13901 - (607) 723-5321

April 1, 2014

Cellco Partnership dba Verizon Wireless
Custodian of Records
180 Washington Valley Rd
Bedminster, NJ 07921
(800) 451-5242
Fax (888)667-0026

RE: Court Order to Provide Telephone Records

URGENT REQUEST FOR ASSISTANCE- HOMICIDE

The Binghamton Police Department and the Johnson City Police Department are investigating a homicide that occurred in the Village of Johnson City on March 31, 2014. We will be requesting telephone records that we believe will provide important evidence in our case (BPD CASE NUMBER 14-8,886). The court order, which will follow, will comply with all requirements outlined in United States Code, Title 18, Part 1, Chapter 121 2703(d). The order will be obtained with a sworn affidavit which will include specific and articulable facts.

We are sending this notice to request the records be pulled and held before they are lost and cannot be recovered. The court order will follow within 30 days. Please call me immediately if the records are no longer available or if there are any problems.

SUBSCRIBER TELEPHONE NUMBER:
TIME PERIOD: March 1, 2014 to current



We will be requesting: -Cellco Partnership dba Verizon Wireless subscriber billing & account information- to include account notes

- In-coming and outgoing cell tower records
- In-coming and outgoing call detail records
- Cell tower location information
- All stored voicemail messages
- ALL AVAILABLE Per-call measurement data
- ALL AVAILABLE GPS information

Thank You for Your Assistance,

INV Carl Peters
Binghamton Police Detective Division
(607)772-7080
Fax (607)772-7169

Email- crpeters@cityofbinghamton.com

SEARCH WARRANT- COURT ORDER

City Of Binghamton :: County of Broome :: State of New York :: City Court

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK AND PURSUANT TO THE AUTHORITY OF ARTICLE 690 OF THE CRIMINAL PROCEDURE LAW OF THAT STATE AND SECTION 18USC2703D UNITED STATES CODE:


TO: ANY SWORN OFFICER OF THE DIVISION OF STATE POLICE OF THE STATE OF NEW YORK, THE BINGHAMTON POLICE DEPARTMENT, AND THE BROOME COUNTY SHERIFF'S OFFICE.

TO: THE CELCO PARTNERSHIP DBA VERIZON WIRELESS LEGAL COMPLIANCE GROUP, 180 Washington Valley Rd, Bedminster, NJ, 07921, FAX (908)306-7591. Service to be made in Broome County for forwarding to Celco Partnership dba Verizon Wireless Legal Compliance at the Retail Store on the Vestal Parkway, Vestal, NY.

An application in writing having been made before me this day by Investigator Carl R. Peters of the Binghamton Police indicating that there is reasonable cause to believe that property of a kind or character referred to in Section 690.10 of the Criminal Procedure Law, and more particularly described in said application, may be found in or upon the records of Celco Partnership dba Verizon Wireless.

YOU ARE HEREBY AUTHORIZED, to obtain such records without notice to the owners of the accounts and/or cell phones, and the subscribers to the numbers on these records, for number:



And for the Number  A request for a Court order to Celco Partnership dba Verizon Wireless for the following records relating to the aforementioned phone.

- All subscriber and billing information, make, model and features, ESN related to such numbers, and all numbers on these accounts.
- All call detail history, including but not limited to, the date, time and duration of all calls originating or terminating from such numbers, text messages,

photo & video messages, web connects and cell site activations with corresponding addresses for the period from March 1, 2014, to the current date.

- All subscriber information related to [REDACTED] and all Verizon Wireless telephone numbers found within the call detail history requested above.
- Cell site activation records for [REDACTED] (including sector or face designations and corresponding cell site addresses) for the period of June 28, 2013 to the current date.
- All available RTT and GPS related data related to [REDACTED]

Verizon Wireless is Hereby Directed to provide the records requested by e-mail to the following addresses:

crpeters@cityofbinghamton.com
mjburnett@cityofbinghamton.com
jdcollins@cityofbinghamton.com


AND YOU ARE HEREBY DIRECTED to bring any such property seized pursuant to this Warrant before me at my office in the City of Binghamton, Broome County, New York without unnecessary delay.

AND, TO: THE TELEPHONE SERVICE PROVIDERS, YOU ARE HEREBY ORDERED NOT TO DISCLOSE THE NATURE OF THIS SEARCH WARRANT – COURT ORDER WITHOUT PRIOR AUTHORIZATION OF THIS COURT.

Issued at Binghamton, New York

this 1 day of April, 2014

at 12:50 - AM/PM



Broome County Court Judge



BINGHAMTON POLICE DEPARTMENT
CRIME SCENE UNIT REPORT
CASE #14-08886
(JCPD #14-02598)



ORIGINAL

HOMICIDE
HARRISON ST., JOHNSON CITY

3/31/14- AUTOPSY OF JAMES CLARK

The autopsy of James Clark, dob 6/12/70, is conducted at Wilson Hospital on the above date and starts at 1500hrs. Present are: Dr. Vertes (Pathologist), Dr. Prindle (Coroner), Monica Becker (Diener), Inv. Griffin (BPD), M. Stebbins (Evid. Tech BCSO).

X-ray technicians, Greg Saddlemire and Paul Yevtuka take x-rays. James Clark has numerous tubes and medical devices from the Emergency Room. His chest was opened in the ER. There is a wedding band on the left hand and it is removed and collected. [REDACTED]

A large contusion is visible on the left side above the hip. There are several lacerations/abrasions on both knees and abrasions on the right and left hands.

The wounds located are:

- Entrance wound on the back approx. halfway down and the projectile traveled and exited the left armpit area.
- Entrance wound in the top of the left thigh and the projectile exited the left hip area.
- Entrance wound in the left upper arm and the projectile exited the left shoulder blade.
- Entrance wound in the left chest midway below nipple. The projectile was located and removed from the left side of the mid back region
- Entrance in the stomach on the left side of the navel and the projectile was located and removed from the center of the large contusion.
- Entrance in the midline of the stomach and the projectile was located and removed from the left hip area.
- Graze in the right cheek, indicates the projectile traveled to the neck and then to the top of the shoulder.
- Graze to the right rear shoulder.

There is a total of 6 entrance and 5 exits; 2 graze wounds; 3 projectiles recovered. The projectile from the mid back area was removed prior to photographs being taken. The heart was enlarged and a stint was removed. A buccal and prints are taken from James Clark. Upon dissection of the brain an unusual spot is located. The dissection is stopped and will be reviewed by a neurological pathologist.

Items collected: Digital photographs, wedding band, buccal, inked fingerprints and CD of the X-Rays.

Cause of Death: Irreversible shock due to multiple gunshot wounds to the chest and abdomen. A copy of the Death Certificate is attached and made part of this report.

Autopsy concluded at 1805hrs.

4/1/14

Spoke with Dr. Vertes in regards to the unusual spot located in the brain during the autopsy and she advised the neurological pathologist examined it and it was found to be nothing unusual. A further exam/dissection of the remainder of the brain will take place at a later date.

Inv. JA Griffin

Continued (1947)

NEW YORK STATE DEPARTMENT OF HEALTH

CERTIFICATE OF DEATH

STATE FILE NUMBER

REGISTER NUMBER		NAME FIRST MIDDLE LAST		2 SEX MALE FEMALE	3A DATE OF DEATH MONTH DAY YEAR	3B HOUR
4A PLACE OF DEATH		4B IF FACILITY, DATE ADMITTED				
4C NAME OF FACILITY		4D LOCALITY		4E COUNTY OF DEATH		
5A DATE OF BIRTH		5B AGE IN YEARS		5C IF UNDER 1 YEAR		5D IF UNDER 1 DAY
6A DECEASED IN U.S. ARMED FORCES?		6B DECEASED OF SPANISH ORIGIN?		6C DECEASED'S RACE		
7A DECEASED'S EDUCATION		7B DECEASED'S MARITAL STATUS		7C SURVIVING SPOUSE		
12 SOCIAL SECURITY NUMBER		13 USUAL OCCUPATION		14 KIND OF BUSINESS OR INDUSTRY		
15A RESIDENCE		15B COUNTY OR REGION/PROVINCE		15C LOCALITY		15D IF CITY OR VILLAGE IS RESIDENCE
160 STREET AND NUMBER OF RESIDENCE		161 ZIP CODE				
17 BIRTH NAME OF FATHER		18 BIRTH NAME OF MOTHER				
19A NAME OF INFORMANT		19B MAILING ADDRESS				
20A BURIAL PERMIT		20B PLACE OF BURIAL		20C LOCATION		
21A NAME AND ADDRESS OF FUNERAL HOME		21B SIGNATURE OF FUNERAL DIRECTOR		21C REGISTRATION NUMBER		
22A NAME OF FUNERAL DIRECTOR		22B SIGNATURE OF FUNERAL DIRECTOR		22C REGISTRATION NUMBER		
23A SIGNATURE OF REGISTRAR		23B DATE FILED		23C BURIAL OR REMOVAL PERMIT ISSUED BY		23D DATE ISSUED
ITEMS 25 THRU 33 COMPLETED BY CERTIFYING PHYSICIAN -- OR -- CORONER/CORONER'S PHYSICIAN OR MEDICAL EXAMINER						
24A CERTIFICATION: To the best of my knowledge, death occurred at the time, date and place and due to the causes stated						
24B Certifier's Name		24C License No.		24D Signature		
24E Certifier's Title		24F Address		24G Date		
25A Attending physician		25B Address last seen alive		25C Date		
26 NUMBER OF DEATHS		27 WAS CASE REFERRED TO CORONER OR MEDICAL EXAMINER?		28 TOPOGRAPHIC		
29 CAUSE OF DEATH		30 PARTIAL IMMEDIATE CAUSE		31 IMMEDIATE CAUSE		

DATE OF DEATH 3/31/14

24A CERTIFICATION: To the best of my knowledge, death occurred at the time, date and place and due to the causes stated

24B Certifier's Name: *John Brock* License No: *099087* Signature: *John Brock MD* Date: *3/31/14*

24E Certifier's Title: Coroner Medical Examiner Deputy Medical Examiner

24F Address: *507 Jayne Rd Westbury N.Y. 11777*

25A Attending physician: *John Brock* Date: *3/31/14* Time: *10:22A*

25B Address last seen alive: *507 Jayne Rd Westbury N.Y. 11777*

26 NUMBER OF DEATHS: *1*

27 WAS CASE REFERRED TO CORONER OR MEDICAL EXAMINER? YES NO

28 TOPOGRAPHIC: YES NO

29 CAUSE OF DEATH: *Irreversible Shock*

30 PARTIAL IMMEDIATE CAUSE: *Multiple Gunshot Wounds to chest & abdomen*

31 IMMEDIATE CAUSE: *3 hrs*

CONFIDENTIAL

SEE INSTRUCTION SHEET FOR COMPLETING CAUSE OF DEATH

CONFIDENTIAL

Print the cause contributory to death

Johnson City Police Department Case Number:

Lead Number:

Members assigned: Inv. Michael Schreiber - NYSP
Inv. Kinley C. Koop - NYSP

On 03-31-14, members interviewed [REDACTED] and [REDACTED] who reside at [REDACTED] home telephone [REDACTED] and cellular telephone [REDACTED] is located directly across the street from [REDACTED] James and [REDACTED] Clark residence. The [REDACTED] stated they were very familiar with JAMES and [REDACTED] from the neighborhood and thought they were good people. The [REDACTED] were not aware of JAMES CLARK having any extreme views toward society, government or authority figures. The [REDACTED] were not aware of JAMES CLARK having any money problems but did state that JAMES and [REDACTED] both traveled regularly to Turning Stone Casino to gamble. The [REDACTED] stated they believed JAMES CLARK had Crohn's disease but were not aware of any new medications or treatments. The [REDACTED] stated that they believed JAMES CLARK'S sister-in-law had recently been diagnosed with cancer. The [REDACTED] stated that they were not aware of any recent changes in mood or behavior by JAMES CLARK. The [REDACTED] stated that both JAMES and [REDACTED] CLARK had grown up in the Greene, NY area, but they were not aware of who their close friends were growing up or who their friends were at present. The [REDACTED] had no further information to offer regarding JAMES CLARK.

On 03-31-14, members interviewed [REDACTED] job [REDACTED] and [REDACTED] who reside at [REDACTED]. The [REDACTED] were not familiar with JAMES and [REDACTED] CLARK. The [REDACTED] had no further information to provide.

On 03-31-14, members interviewed [REDACTED] who resides at [REDACTED]. [REDACTED] knew who JAMES and [REDACTED] CLARK were, but was not very familiar with them. [REDACTED] was not aware of JAMES CLARK possessing any extremist views toward society, government or authority. [REDACTED] was not aware of JAMES and [REDACTED] CLARK having any money problems, and had no further information to offer.

On 03-31-14, members interviewed [REDACTED] job [REDACTED] who resides [REDACTED] went to school in Greene and graduated one year ahead of JAMES and [REDACTED] CLARK. [REDACTED] was not aware of JAMES CLARK possessing any extremist views toward society, government or authority. [REDACTED] offers day care services and used to sit for JAMES and [REDACTED] CLARK'S son. [REDACTED] stated the CLARK'S seemed like nice people, always paid their

daycare bill on time, and she was not aware of the CLARK'S having any money problems. [REDACTED] stated that JAMES and [REDACTED] CLARK did frequent Turning Stone Casino to gamble. [REDACTED] stated she believed JAMES CLARK had Crohn's disease but she was not aware of any new medications or treatment for CLARK. [REDACTED] could not state who JAMES CLARK was good friends with growing up or who his current friends were. [REDACTED] had no further information to offer regarding JAMES CLARK.

On 03-31-14, members interviewed [REDACTED] job [REDACTED] who resides at [REDACTED] [REDACTED] used to teach biology and health at Greene Central School District. [REDACTED] remembered both JAMES and [REDACTED] CLARK as good kids in school but had no recent knowledge of the CLARKS. [REDACTED] did add that JAMES CLARK had a brother [REDACTED] but he was not sure where [REDACTED] lived at present. [REDACTED] had no further information to offer regarding JAMES CLARK.

On 03-31-14, members interviewed [REDACTED] who resides at [REDACTED] [REDACTED] stated that he did not know JAMES CLARK personally but knew who he was from seeing him walk his dog in the neighborhood. [REDACTED] was not aware of JAMES CLARK possessing any extremist views toward society, government or authority. [REDACTED] stated that he had heard rumors that CLARK [REDACTED] but did not know that for a fact. [REDACTED] stated he thought JAMES CLARK was a nice guy. [REDACTED] was not aware of any recent changes in mood or behavior by JAMES CLARK. [REDACTED] had no further information to offer regarding JAMES CLARK.

BPD CASE # 2014 - 8,886



CITY OF BINGHAMTON POLICE DEPARTMENT SUPPLEMENTARY REPORT



CAPT. JOHN RYAN

INCIDENT: ASSIST OTHER AGENCY - (J.C.P.D. MURDER; POLICE OFFICER)
CODE: 609 - AIDED / ASSIST
DATE: 03/31/14
TIME: 0703 HOURS
LOCATION: 32 HARRISON STREET - VILLAGE OF JOHNSON CITY, NY

SUPPLEMENTARY REPORT BY CAPT. J. RYAN ON INVESTIGATION AND ACTION TAKEN:

On the above date I Capt. John Ryan was working as the Relief 2 Shift Captain. I responded to the above location for a report of an active shooter. Upon my arrival it was determined that the male shooter was in custody and JCPD Patrolman David Smith was shot multiple times. Both men were already within or in the process of being taken into the Wilson Memorial Hospital Emergency Department as the location of the shooting was immediately outside the Harrison Street entrance to Wilson. I inspected the scene, evidence present (vehicles, casings, a handgun, clothing, heavy blood pooling and human tissue).

BPD Sgt. A. Quinones was on scene upon my arrival and I was quickly briefed by him as to what was known. I observed a shooting scene on Harrison Street, and the scene was being cordoned off at this time. In an effort to assist JCPD on scene, I made assignments of Binghamton Police Personnel present to aid and assist in the investigation.

It was determined that JCPD Patrolman L. Cioci was involved in the shooting. I assigned BPD Patrolman J. Spano to take Cioci to Spano's patrol vehicle and stay with him; and then later to transport Cioci to JCPD Police Headquarters and stay with him there, and assist him.

There were numerous witnesses located and or coming forward to police present. I assigned several BPD Officers (and requested that BCSO Deputies and NYS Troopers on scene) separate and detain witnesses for the investigation. I eventually ordered all witnesses to be transported to JCPD HQ for interview by awaiting Detectives.

Preliminary information learned indicated the suspect (JAMES CLARK) was an employee of Southern Tier Imaging at 32 Harrison Street; further that he was within the imaging facility / building prior to the shooting, also that he made statements just before the shooting about there being a bomb in the building.

The shooting scene and perimeter had been established and secured. Administrative notifications were made, I briefed BPD / JCPD Chief of Police Zikuski upon his arrival, as to what was known and done thus far. I later briefed Capt. Collins of the Detective Bureau as well. Chief Zikuski requested Detectives be ordered in along with SIU Investigators to assist in the investigation.

CAPT. JOHN RYAN - (ID #299 / CAR 225)

DATE 03/31/14

BPD CASE # 2014 - 8,886



CITY OF BINGHAMTON POLICE DEPARTMENT SUPPLEMENTARY REPORT



CAPT. JOHN RYAN

I requested the BPD Command vehicle be delivered to the scene by Lt. Whalen. Additional BPD Patrol Officers were called in to cover Relief 2, Capt. Bracco assumed command of the Relief 2 City Police Patrol operations and I remained at the shooting scene. Sgt Quinones handled operations at the Emergency Department at Wilson Hospital.

I requested the Endicott Police Bomb Squad respond to the scene. I later briefed Lt. Noyes and Sgt. Small's from EPD / BOMB Squad, at the scene.

BPD Identification Unit Investigators as well as NYSP Scene Reconstructionists Bennett responded to the scene, I briefed them and walked them through the scene for evidence and scene processing purposes.

I coordinated investigative efforts and police actions at the scene and surrounding with JCPD - Sgt. Mason, BPD ID - A. Demer and J. Griffin, NYSP - Capt. Janis and BCSO - Sgt. Williams. At 1225 hours I left the scene in the control of BPD Sgt. Quinones and reported into the JCPD Lead Desk

In furtherance of this investigation and in coordination of investigative efforts the following BPD Personnel assignments were made and I ensured completion of police details and assignments as follows:

- 200 K. Miller Stationed at Wilson Emergency Department with suspect and then JCPD Officer Smith; secure items of evidence for investigation.
- 201 Bonanno Perimeter post assist in securing scene and with witnesses - north end of scene.
- 202 Seidel Perimeter post assist in securing scene and with witnesses / crime scene log - posted at shooting scene on evidence / handgun.
- 203 Palmer Perimeter post assist in securing scene and with witnesses - south end of scene.
- 204 Carpenter Perimeter post assist in securing scene and with witnesses. Was assigned to transport witnesses and standby at JCPD HQ to assist with witnesses and coordination of witnesses with Detectives.
- 205 Buchanan Perimeter post assist in securing scene and with witnesses, assigned to coordinate the evacuation of 30 and 22 Harrison Street - medical office buildings. Assist EPD Bomb Squad and BPD K9 on building searches with bomb dog.

CAPT. JOHN RYAN - (ID #299 / CAR 225)

DATE 03/31/14

BPD CASE # 2014 - 8,886



CITY OF BINGHAMTON POLICE DEPARTMENT
SUPPLEMENTARY REPORT



CAPT. JOHN RYAN

- 206 Spano I assigned BPD Patrolman J. Spano to take JCPD Ptlm. Cioci to Spano's patrol vehicle and stay with him; and then later to transport Cioci to JCPD Police Headquarters and stay with him there, and assist him as needed.
- 207 Groover Perimeter post assist in securing scene and with witnesses. Secured suspect / shooter's vehicle on Hudson Street. Scene guard for investigation / evidence Assist EPD Bomb Squad and BPD K9 on building searches with bomb dog.
- Post 23 K. Haslin Assigned to suspect prisoner security at hospital and during procedures, within the operating room.
- 203A Stocum Perimeter post assist in securing scene.
- 205A Johnson Perimeter post assist in securing scene / crime scene log.
- 264 Charpinsky Posted in the Hudson Street parking lot on the suspect / shooter's vehicle as evidence guard for investigation.
- K9 Kneer Called to scene with K9 / BOMB - Explosives Detection police dog; to conduct a K9 search of several medical buildings. Further assist at scene with scene security and operations.
- 221 Quinones Sgt. Quinones supervised Emergency Department Operations immediately after shooting incident. Further he supervised operations with respect to the suspect and his control during medical treatment and procedures. Sgt. Quinones assumed control of the shooting scene upon my departure at 1225 hours

No other action taken, end of report.

CAPT. JOHN RYAN - (ID #299 / CAR 225)

John Ryan

DATE 03/31/14



BINGHAMTON POLICE DEPARTMENT
CRIME SCENE UNIT REPORT

CASE #14-08886

(JCPD #14-02598)



ORIGINAL

HOMICIDE
HARRISON ST., JOHNSON CITY

3/31/14- AUTOPSY OF OFFICER DAVID SMITH

The autopsy of Officer Smith, 7/27/70, is conducted at Wilson Hospital on the above date and starts at 1145hrs. Present are: Dr. Vertes (Pathologist), Dr. Prindle (Coroner), Monica Becker (Diener), Inv. Griffin (BPD), M. Stebbins (Evid. Tech BCSO).

Officer Smith has numerous tubes, devices and IV's from the Emergency Room. The hospital sheet and gown are discarded. Officer Smith has a gold chain on and it is removed and collected. There is gauze around the top of his head. Information is received that Officer Smith was given a transfusion in the ER. The gauze is removed and wounds are observed to the top of his head, left side of his head above the ear, and a laceration to the right cheek. There is a contusion around the right eye and also a wound to the left shin approximately halfway down from the knee. Officer Smith's head was shaved in the ER. The wounds to the head have stitches. X-ray technicians, Greg Saddlemire and Paul Yevtuka take x-rays.

The wound above the left ear is an entrance gunshot wound. There is stippling around the wound and an abrasion ring at the top. The wound on the top of his head is a contact wound. The skin is split apart and a powder burn is observed to the backside of the wound.

A projectile is removed and most likely from the wound above the left ear. Probing of the wound is done. The wound indicates that the projectile entered above the left ear and traveled left to right with a slightly downward trajectory. The wound from the top of the head indicates the projectile exited through the right cheek. The projectile traveled top to bottom, left to slightly right and back to front.

The initial toxicology/drug screen came back negative.

Items collected: Digital Photographs, gold chain, projectile, CD of the x-rays.

Cause of Death: Laceration to brain with partial avulsion due to skull fractures as a consequence of two (2) .40 caliber gunshot wounds to the head. A copy of the Death Certificate is attached and made part of this report.

Autopsy concluded at 1350 hours.

Inv. JA Griffin

Agency

2 Division/Precinct

New York State
INCIDENT REPORT

3.03

4 Orig
 Supp

5 Case No.

6 Incident No.

Supplement Narrative

2014-00004458

I WAS AT HIGHWAY PATROL ABOUT TO GO OUT FOR THE 7AM-3PM SHIFT WHEN I OVERHEARD
 COMMUNICATIONS PUT OUT A RADIO TRANSMISSION FOR A SHOOTING, POSSIBLY TWO OFFICERS
 DOWN. I RESPONDED TO THE SCENE AND UPON ARRIVAL I OBSERVED A WHITE MALE LAYING ON THE
 GROUND WITH OBVIOUS GUN SHOT WOUNDS. THERE WAS A LARGE POOL OF BLOOD NEXT TO HIM AND
 SEVERAL BULLET CASINGS. THERE WAS ALSO A GLOCK HANDGUN LAYING IN THE ROADWAY THAT HAD
 THE MAGAZINE STILL IN IT AND THE SLIDE WAS BACK IN THE LOCKED POSITION. SEVERAL OFFICERS
 WERE SURROUNDING THE SUBJECT, WHO WAS HANDCUFFED AND BEING TREATED BY EMS
 PERSONNEL. I WAS ADVISED THAT THE SUBJECT HAD SHOT OFFICER D W SMITH, WHO HAD ALREADY
 BEEN REMOVED AND TAKEN INSIDE THE HOSPITAL. I SPOKE WITH OFFICER CARPENTER FROM
 BINGHAMTON PD WHO ADVISED THEY WANTED TO SECURE THE AREA AND THEY BEGAN TO SET UP
 CRIME SCENE TAPE. I ADVISED DEPUTY WAFFLE TO MAINTAIN THE SCENE AT THE SOUTHERN END OF
 HARRISON AVE UNTIL RELIEVED. I THEN LOCATED SEVERAL SUBJECTS WHO HAD WITNESSED THE
 INCIDENT. ONCE THE SCENE WAS SECURED, I ASSIGNED DEPUTY WAFFLE AND BALMER TO
 TRANSPORT THE WITNESSES TO THE JOHNSON CITY POLICE STATION PER CAPT RYAN OF THE
 BINGHAMTON POLICE DEPARTMENT. I WAS THEN ADVISED THEY WERE EVACUATING 26 AND 30
 HARRISON DUE TO A POTENTIAL EXPLOSIVE SITUATION. DEPUTY AYERS ASSISTED IN THE EVACUATION.
 I MADE CONTACT WITH CAPT AKSHAR AND ADVISED HIM OF THE SITUATION. I THEN MADE CONTACT
 WITH DEPUTY SMITH.

I ADVISED DEPUTY SMITH TO SECURE HIS
 WRITTEN NOTES AND TO COMPLETE A SUPPLEMENTAL REPORT REGARDING HIS INTERACTION WITH
 THE SUSPECT. I THEN CONTACTED COMMUNICATIONS TO CALL IN PATROLS TO COVER THE COUNTY. I
 ADVISED DEPUTY WAFFLE AND BALMER TO DROP OFF THEIR WITNESSES AND THEN COVER CALLS FOR
 JOHNSON CITY. I STOOD BY AND ASSISTED MAINTAINING THE CRIME SCENE UNTIL RELIEVED BY
 BINGHAMTON PD.

SGT THOMAS H WILLIAMS

1 Agency: Broome County Sheriff's Department
 2 Division/Princt: HIGHWAY PATROL
 3 City: New York State
 4 Case No: NY0030000
 5 Report Date: Mon 03 31 2014
 6 Report Time: 07:03
 7 Occurred On/Room: []
 8 Occurred To: []
 9 Incident No: 2014-00004458

15 Incident Type: 0300 ASSIST OTHER AGENCY
 16 Incident Address: []
 17 Business Name: []
 18 Weapon(s): []

22 Off. No.	23 SA #	24 Sector	25 S. I.	26 CL	27 CAT	28 DSG	29 APT	30 NAME OF OFFENSE	31 No. of Victims

32 Person Type: []
 33 Name (Last, First, Middle): PI 1
 34 Date of Birth: []
 35 Age: []
 36 Sex: []
 37 Race: []
 38 Ethnic: []
 39 Disability: []
 40 Residence Status: []
 41 Appoint. Condition: []

42 Victim or Suspect No.	43 Property Status	44 Property Type	45 Quantity Measure	46 Make or Brand Type	47 Model	48 Serial No.	49 Description	50 Value

59 Vehicle Status: []
 60 License Plate No.: []
 61 State: []
 62 Exp. Yr.: []
 63 Plate Type: []
 64 Value: []
 65 Vehicle: []
 66 Make: []
 67 Model: []
 68 Style: []
 69 V.I.: []
 70 Color(s): []
 71 Towed By: []
 72 Vehicle Notes: []

73 Narrative:
 Responded to assist Johnson City PD with a report of a shooting and an officer down at 32 Harrison St. Upon my arrival I parked just north of the scene and approached. I observed a Glock handgun in the street with the gun slide locked back, in the same area I saw a pool of blood. I saw Deputy Smith over with a male subject in the roadway down with gunshot wounds, EMS was on scene and treating the male subject. I also made contact with Officer Ciooi, JCPD, he had blood on top of his head, I asked if he was ok, he said the blood was not his and that he was not shot.
 Trooper Phelps - SP Endwell then asked if I could assist with setting up Crime Scene tape. We blocked off an area north of 32 Harrison St. Capt. Ryan from Binghamton PD, then requested we locate any witnesses to the incident. Myself and Trooper Phelps spoke to two females who worked at 32 Harrison St. I spoke to [redacted]

74 Inquiries (Check all that apply): []
 75 MYSAP Message No.: []
 76 Complainant Signature: []
 77 Reporting Officer Signature (include Rank): MARC AYERS
 78 Off. No.: 335
 79 Supervisor's Signature (include Rank): KATHLEEN NEWCOMB
 80 ID No.: 161
 81 Status: []
 82 Status Date: []
 83 Notified MO: []

Criminal Incident Report Supplement 2014-00004458

(Narrative Continued)

said the suspect, James, came to work this morning and "didn't look right." She said he looked pale and said to her, "I lost it on the highway." Then stated there was a bomb in the building and to call the police. [REDACTED] says she called 911 then James went through the building and locked all the doors. She says at that point a JCPD Officer arrived and James ran out to him. She says she saw James approach the Officer and attack the officer. She says at that point James got the officers gun and began firing she then called 911 again. I advised [REDACTED] stay in the building and another officer or investigator would be in to speak to her.

Trooper Phelps then approached me and asked for assistance in evacuating 30 Harrison St. I went to the second floor and advised the secretary that the unit had to be evacuated. She got the rest of the employees out of the unit. I then requested Dispatcher Paffe to contact UHS Security to post someone at the entrance to the 2nd flr which is on Hudson St to advise other staff and patients that the building is closed. UHS Security arrived and took over the doorway. I then went to the lobby of 30 Harrison to await further orders. Sgt Williams arrived and advised me to go back on patrol and cover calls for Johnson City.

M Ayers

Supplement Narrative

2014-00004458

I RESPONDED TO ABOVE LOCATION FOR A REPORT OF SHOTS FIRED AND A OFFICER DOWN. UPON ARRIVAL I ASSISTED IN SECURING THE CRIME SCENE AT WHICH TIME CRIME SCENE TAPE WAS APPLIED AROUND THE PERIMETER OF THE SCENE. WHILE SECURING THE PERIMETER I OBSERVED A WHITE MALE BEING ATTENDED TO BY PARAMEDICS ON THE WEST SHOULDER OF THE ROADWAY IN FRONT OF THE IMAGING BUILDING ON HARRISON ST. THIS MALE HAD NO SHIRT ON AND APPEARED TO HAVE A BULLET HOLE IN THE LEFT SIDE OF HIS CHEST AREA. I ALSO OBSERVED A LARGE POOLING OF BLOOD ON THE ROADWAY IN CLOSE PROXIMITY OF THE SUBJECT. A GLOCK HANDGUN WAS ALSO LYING IN THE ROADWAY AT LOCATION ALONG WITH NUMEROUS EMPTY CARTRIDGE CASINGS FROM A HANDGUN.

I TRANSPORTED TWO WITNESSES FROM WILSON HOSPITAL EMERGENCY ROOM TO THE JOHNSON CITY POLICE STATION FRONT LOBBY. NO FURTHER ASSISTANCE WAS RENDERED. NO FURTHER ACTION.

BALMER #164

LCAD #61

1 Agency Broome County Sheriff's Department	2 Division/Predecessor New York	3 Date INCIDENT REPORT NY0030000	4 <input type="checkbox"/> Orig <input checked="" type="checkbox"/> Supp	5 Case No 2014-00004458	6 File in cabinet
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Supplemental Narrative

THIS DATE I RESPONDED TO THE AREA OF 32 HARRISON ST, W/JOHNSON CITY, REPORT OF SHOTS FIRED, POSSIBLE OFFICER DOWN. UPON ARRIVAL I WAS ASSIGNED BY SGT WILLIAMS (S133) TO HELP MAINTAIN THE PERIMETER AROUND THE CRIME SCENE, AT THE SOUTHERN SIDE OF HARRISON AV

UPON BEING RELIEVED BY A JOHNSON CITY OFFICER I WAS THEN ASSIGNED BY SGT WILLIAMS TO TRANSPORT TWO FEMALE WITNESSES TO THE JOHNSON CITY POLICE STATION. SGT WILLIAMS GAVE ME A NOTEBOOK PAGE WITH THE WITNESSES INFORMATION, WHICH I TURNED OVER TO JCPD INVESTIGATORS UPON ARRIVAL AT THE STATION

I WAS THEN ASSIGNED BY SGT WILLIAMS TO PATROL AND ANSWER CALLS IN THE W/JOHNSON CITY UNTIL FURTHER ADVISED

END OF REPORT

DEP E WAFFLE #259

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 2

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison Street, Johnson City	0703	0300	14-8335	03/31/2014

Broomer dispatch put out a call to assist JCPD for a shots fired call in the area of 32 Harrison Street.

They later reported that an officer may have been involved but the transmission was walked on.

Headquarters reported shortly thereafter that there was an active shooter at the location.

Was later advised that a suspect was in custody.

Arrived on scene with numerous other officers.

As I approached, an unknown officer advised me that there were shell casings and a gun in the roadway.

I observed an unknown W/M being worked on by medics as I got closer to the actual scene.

The male was on his back and was laying near the curb line. He was yelling and had apparently had his clothing cut off of him by the medics.

I saw a JCPD car in the roadway with the driver door still open.

I did not observe the officer with the JCPD car and began to assist other officers in managing the scene.

The male who had been laying near the curb line was surrounded by police and medics. He was loaded onto a stretcher and removed from the scene.

I began to tape off the scene when I noticed blood on the ground near the JCPD car.

The JCPD car in question had number 712 on the rear plate and C-pillar.

There appeared to be a secondary scene just north (towards Main Street) of car 712.

Multiple shell casings could be seen in the middle of the road. There was also some blood and what looked like a Glock handgun near the center of the roadway. The handgun had the slide locked to the rear and was pointing in a direction towards Main Street.

Stood by near the obvious section of the crime scene in an attempt to maintain its integrity.

I later noticed that the left portion of the rear window of 712 was shattered.

I then noticed one or possibly two shell casings near the ground by the open door of 712.

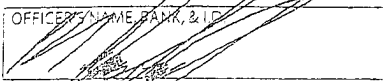
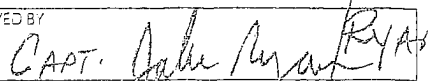
Numerous police personnel arrived on scene.

The sidewalk to the west of the scene was totally taped off and shut down.

The sidewalk east of the scene (in the roadway) was taped off but was used for police access.

I began a crime scene log at 0744 (see attached) and stood by.

I was relieved by Ptl. Johnson at 0948 hours and turned the scene/log over to her.

OFFICER'S NAME, RANK, & I.D.  Seidel 132/291	APPROVED BY CAPT.  RYAN
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CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 2 of 2

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison Street, Johnson City	0703	0300	14-8886	03/31/2014

There later became information that an explosive device may have been planted in Southern Tier Imaging building. A bomb dog and the Endicott PD bomb squad were notified by the scene command.

I later returned to the scene and stood by on the eastern sidewalk with Ptl. Bonanno and Ptl. Johnson for scene security.

Was later advised by Inv. A. Demer that U-Save was en route to tow car 712 to the West Street impound. She directed me to follow car 712 to the impound when the tow arrived.

U-Save arrived and I escorted the tow truck/patrol car to the impound.

The rear window of 712, which had been previously shattered, began to break more while en route to the impound.

U-Save arrived at impound and placed the vehicle in the right hand side bay.

Made phone contact with Inv. Griffin while at the impound. She advised me to leave the vehicle unlocked and to tag the key separately.

I tagged the vehicle and key into evidence at headquarters.

Nothing further at this time.

End

OFFICER'S NAME, RANK, & I.D.

Seidel 132/291

APPROVED BY

CAPT.

John Ryan / Ryan

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison Street	0703	0300	14-8886	03/31/2014

Responded to the area of Wilson hospital for an officer involved shooting. Upon my arrival I relieved officer Seidel who was keeping the scene secured and holding down the crime scene log. I arrived on scene at 0948 and stayed until all Law Enforcement personnel cleared all areas of the crime scene. (see attached crime scene log).

OFFICER'S NAME, RANK, & I.D.
THERESA JOHNSON 5/300

[Handwritten signature]
5

APPROVED BY

[Handwritten signature] RYAN





BINGHAMTON POLICE DEPARTMENT
 CRIME SCENE UNIT REPORT
 CASE #14-08886
 (JCPD #14-02598)

 ORIGINAL

HOMICIDE
 HARRISON ST., JOHNSON CITY

4/1/14 - SEARCH WARRANT: 

The search is conducted in the Johnson City Police Department sally port on the above date. The vehicle is a gray  registered to . The vehicle has large dents to the left front corner panel, the left front light is cracked and there is rust along the bottom of the vehicle. The wing window of the rear driver side door has stickers on it: "GM," "GM Performance Parts" and "Summit Racing Equipment." The driver side door is unlocked and per Inv. Demer the vehicle was checked by the Endicott Bomb Squad on the street and made safe.

DRIVER SIDE FRONT: On The Driver Seat- black Husky flashlight, Sylvania High Performance Lighting Bulb in the package, car charger, Ziploc bag with two (2) bulbs for the vehicle lights, Maxx sunglasses, Biogel fingerless glove, plastic insert from center console containing: golf tees, battery, empty hand gel bottle, black plastic wing nut; Driver Door Pocket- Empty; On The Floor- rubber mat.

CENTER CONSOLE: Empty, drink holder flipped open.

COMPARTMENT BELOW HEATING CONTROLS: Sunglasses, Sirius radio attached to cord to radio, lip gloss, two (2) pens, Ziploc bag with light bulb, blank pad of orange Post-It notes, AAA card in the name of James P. Clark exp. 2/29/12, Advance Auto receipt from Front St. on 1/25/14, Dick's Sporting Goods receipt from Vestal store on 2/5/14, blue "D" ring.

COMPARTMENT IN FRONT OF GEAR SHIFT: JVC remote control, change (\$2.03).

DRIVER SIDE VISOR: "Dad Please Drive Safely" clip.

COMPARTMENT BETWEEN VISORS: Blank pad of green Post-It notes, nail file, one (1) penny.

REARVIEW MIRROR: Silver cross with beaded string hanging from the mirror.

DRIVER SIDE REAR: On The Floor- black/green Nike sneakers size 10.5, box of tissues, blank pad of small white Post-It notes, red umbrella, yellow plastic funnel (partially under driver seat), snow brush that extended across to the other side, garbage; Seat Pocket (back of driver seat)- screw, dirty tissue.

BACK SEAT MIDDLE: The compartment from the back area is flipped down and is empty. The piece leading to the trunk is folded down towards the seat.

PASSENGER SIDE FRONT: On The Passenger Seat- bottle of "Glo" cologne, empty travel mug, 2 lids for travel mugs, Sirius remote control that is attached to a string and string is around gear shift; On The Floor- two (2) empty travel mugs, car charger, black umbrella, empty Poland Spring 16.9oz water bottle, "OPTIFIT" start guide info card, two (2) plastic shopping bags (one inside the other) containing a dish and a iPod; On The Floor- rubber mat.

PASSENGER SIDE VISOR: garage door opener and a red clip.

GLOVE BOX: Sunglasses in a brown zip case, empty silver glass case, glasses in silver case, fuses, insurance and registration paperwork (in the name of [REDACTED]), miscellaneous phone adapters for charging, Sirius radio cables, [REDACTED], 12mm socket, Phillips head screwdriver, lipstick First Aid Kit, NYS Fishing Reg. 2004-2006, vehicle owner's manual that is falling apart, miscellaneous vehicle slips (Valvoline, Monro Muffler, Meineke, Croteau's), glasses receipt 9/23/13, white piece of paper with "Greene Sr. Team" at top and several typed names listed; Passenger Door Pocket- garbage.

PASSENGER SIDE REAR: On The Seat- Black Widow golf cleats package, Eminem CD; On The Floor- empty travel mug with lid, can of starting fluid, Poland Spring bottle 16.9oz. full of liquid, jumper cables in yellow case, Ziploc bag with food crumbs; Seat Pocket (back of passenger seat)- miscellaneous CD's, package of baby wipes, wallet size photo of boy.

TRUNK: Package of Stealth golf cleats, box of (25) multi-drug urine test cups and each is individually wrapped "Insta Screen," car charger with a seashell in the package, miscellaneous DVD's, tie down straps, charging cord for vehicle, miscellaneous pieces of rope, "OFF" bug spray, pieces of wood, duct tape, blue bag chair, blue/gray Adidas sneakers size 10.5, golf bag with clubs, season pass to Genegantslet attached to golf bag, green bag chair, can of Lysol, aqua shoes, media case with numerous CD's, spare tire, miscellaneous tools, two (2) baseball hats, blue canvas pad with Velcro "OTC Products."

The search of the vehicle is completed at 1350 hours.

Inv. Demer arrives on scene after the vehicle is completed and in an office in the JCPD station the prescription bottle located in the glove box is examined. Inv. Hillman from JCPD is also present. The prescription bottle is for James Clark and the date filled on the bottle is 11/1/11. Inside the bottle are three (3) blue capsules that are marked with S429. Using the "Drug Bible" the capsules are identified as Pentasa. Pentasa is a prescription used for ulcerative colitis. There are also nine (9) round white pills with brown spots on them and they are marked with "Pentasa" on one side and 500mg on the other side. A match was not located in the "Drug Bible." I contacted Poison Control and gave the description. The pills are an anti-inflammatory prescription that is not a controlled substance. Any side effects would mostly be GI symptoms. A very large amount of an overdose could cause some confusion but it is very rare.

The keys to the vehicle were turned over to Inv. Hillman, JCPD, at 1415 hours.

Inv. JA Griffin

SEARCH WARRANT

COUNTY COURT, BROOME COUNTY, NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK, AND
PURSUANT TO THE AUTHORITY OF ARTICLE 690 OF THE CRIMINAL
PROCEDURE LAW OF THAT STATE:

TO: ANY SWORN OFFICER OF THE DIVISION OF THE STATE POLICE
OF THE STATE OF NEW YORK, ANY SWORN DEPUTY OF THE BROOME
COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF THE POLICE
DEPARTMENT OF THE CITY OF BINGHAMTON, ANY SWORN OFFICER OF
THE CHENANGO COUNTY SHERIFF OFFICE, ANY SWORN OFFICER OF
THE POLICE DEPARTMENT OF THE VILLAGE OF JOHNSON CITY, THE
BROOME COUNTY DISTRICT ATTORNEY'S OFFICE, THE BROOME COUNTY
GOVERNMENT SECURITY DIVISION "CATS" UNIT, AND ANY MEMBER OF
THE FEDERAL BUREAU OF INVESTIGATIONS.

An application in writing having been made before me this
day by Inv Carl R. Peters indicating that there is
reasonable cause to believe that property of a kind or
character referred to in Section 690.10 of the Criminal
Procedure law, and more particularly described in said
application, may be found in or upon the place, premises,
vehicle, person or persons described therein,

YOU ARE HEREBY AUTHORIZED, BETWEEN THE HOURS OF 6:00 AM AND
9:00 PM, AND WITH GIVING NOTICE OF YOUR AUTHORITY AND
PURPOSE, TO SEARCH THE FOLLOWING STRUCTURE(S):

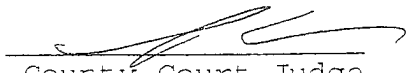
A [REDACTED] State of New York
registration [REDACTED].

FOR THE FOLLOWING PROPERTY:

Any firearms and ammunition, bombs, bomb making
devices, or explosive materials. Any computers,
tablets, cellular phone, memory cards, external hard
drives, and media devices with storage capabilities.
Any periodicals, correspondence, journals, writings,
etc. Any medications, medical documents, discharge
or diagnosis documents, or any other evidentiary
items that may hold value in the homicide of PTL
David W. Smith.

AND YOU ARE HEREBY DIRECTED to bring any such property seized pursuant to this Warrant before me at this office in the City of Binghamton, Broome County, New York, without unnecessary delay.

Issued at Binghamton, New York
this 31 day of March, 2014
at 12:41 A.M. P.M.


County Court Judge
County of Broome,
State of New York

COPIED



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 66

Case #: 14-8,886

Assigned to: INV Peters

Date: 3/31/14

LEAD NUMBER 66- Search Warrant for Samsung slide phone

INVESTIGATION AND ACTION TAKEN 3/31/14

Created a search warrant for a Samsung slide phone. SGT Creagh contacted me via telephone and stated the cellular phone was located during the search of [REDACTED]. He relayed the model number and serial number for the cellular phone, which was secured as evidence during the search. I completed an application for the search warrant and presented it to Judge Joseph Cawley. He reviewed the application and signed the warrant. The original signed warrant and application were turned over to the Lead Desk.

INV PETERS

L 2 100 #666

State of New York: County of Broome
County Court: County of Broome

-----X

In the Matter of the Application of
Investigator Carl R. Peters
for a search warrant.

SEARCH WARRANT

-----X

To any police officer of the following police department(s) or classification(s):

City of Binghamton Police Department, New York State Police, Village of
Johnson City Police Department, Federal Bureau of Investigations and
Computer Analysis Technology Services of Broome County Government
Security Division

You are authorized and directed to search for and seize the following property:

- All stored data to include but not limited to, phonebooks, text messages and text message content, photos, digital images and video... RTT, Cell Site Activations, and possible GPS Data associated with these phones.

You are authorized and directed to search the following places, premises, vehicles, property (cellular telephone).

- Samsung slide phone model SCH-U460, MEID HEX# A0000023C3A9DD

This court, having authorized the search of the above-described premises, property, further directs, pursuant to CPL 690.15(2), the search of any person present thereat or therein.

You are further authorized to take photographs of seized items and their

surroundings and to transmit evidence seized for further review and analysis to the Computer Analysis Technology Services, Broome County Government Security Division, Edwin L. Crawford County Office Building, 44 Hawley Street, Binghamton, NY 13902.

This warrant must be executed not more than 10 days after the date of its issuance and shall be returned and delivered to the court, along with any property seized pursuant hereto, without unnecessary delay.

Place of issuance: Broome County Court Broome County, New York

Date of issuance: March 31, 2014

Time of issuance: 4:06 P.M.



County Court Judge



Binghamton Police Department
Detective Report



Lead Narrative

Lead Number: 67

Case #: 14-8886

Assigned to: Creagh

Date: 3-31-14

On the above date I was assigned to respond to [REDACTED] in [REDACTED] with a copy of the search warrant to be executed at this location. [REDACTED] is the home of shooting suspect James Clark 6-12-70. Upon arrival at the scene several law enforcement officers were present holding the scene there secured. I verified that a complete canvass of the surrounding neighborhood had been completed in regards to this investigation. NYSP crime scene unit investigators arrived on scene, along with members of the NYSP bomb squad. Members of the bomb squad first entered the residence and did a cursory search deeming it safe for other personnel to enter.

Sgt. Cower BCSD assigned an investigator to keep a log of all personnel assisting with the execution of the search warrant. See supplemental reports. At 2:18pm the home was entered by personnel assisting in the execution of the search warrant. NYSP crime scene unit was tasked with handling all evidence documentation and collection. See supplemental reports. Information on the cellular phone believed to be that of James Clark and on the desk top home computer was relayed to Inv. Peters BPD, to begin drafting the search warrants for examination of these items. A copy of the search warrant was left on premise upon our exit from the home.

Sgt. J. Creagh

Binghamton Police Department

New York State
INCIDENT REPORT

NY0030100

X

2014-00008886

Supplemental Narrative

RESPONDED TO HARRISON ST IN JOHNSON CITY TO ASSIST IN AN OFFICER INVOLVED SHOOTING. UPON ARRIVAL I ASSISTED WITH PUTTING UP POLICE CRIME TAPE. I THEN MANNED THE NORTHERNMOST POINT OF THE SCENE. WHILE THERE A [REDACTED] APPROACHED ME. HE STATED THAT HE HAD BEEN A WITNESS TO THE INCIDENT. I INFORMED CAR 225, CAPT RYAN OF THIS. HE INSTRUCTED ME TO HAVE HIM SECURED IN A POLICE VEHICLE. I ASKED PTLMN SPANO TO DO THIS. HE TOOK [REDACTED] INTO HIS CARE AND CUSTODY. I ALSO ASSISTED IN RELIEVING OTHER OFFICERS. I DID FIND A SPENT PISTOL ROUND. I INFORMED SGT QUINONES OF THIS. I CALLED I.D. OVER TO INFORM THEM OF THIS. INV A DEEMER LABELED THIS ITEM, EVIDENCE NUMBER 39. I FOUND IT IN A SIDEWALK CRACK, OUTSIDE OF THE POLICE TAPE. IT WAS NEAR THE HOSPITAL ENTRANCE OFF OF HARRISON STREET, DIRECTLY ACROSS FROM J.C.P.D. CAR 712. I STOOD BY TO SAFEGUARD IT UNTIL I.D. COLLETED IT. I STAYED ON SCENE UNTIL RELIEVED.

OT [REDACTED]

Reporting Officer Signature (Include Rank) *[Signature]* [REDACTED] Supervisor's Signature (Include Rank) *[Signature]* [REDACTED] 1

CITY OF BINGHAMTON POLICE DEPT.

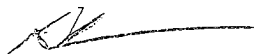
38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison Street, Johnson City	0703	657h	8,886	03-31-14

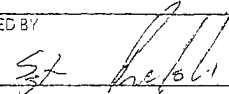
Police Administration requested I respond to this location, with my Explosives Detection K9 for a detail. When I arrived I was directed to search the suspects vehicle, which was parked in a parking lot on the next block over. I had my K9 partner, Dazee do a search of the exterior of the vehicle, without any indication of Explosives odor being detected. I then was directed to search the interior of the Southern Tier Imaging building. We searched both floors of this location and nothing was indicated on inside the location. I then assisted other units in securing the scene until advised to clear by Sgt. Quinones.

I also returned JCPD patrol vehicle 715 from the scene to JCPD.

OFFICER'S NAME, RANK, & I.D.
Ptl. Robert W. Kneer 296



APPROVED BY



SUPPLEMENTARY POLICE REPORT

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION:	TIME	CODE	CASE NUMBER	DATE
32 HARRISON ST. JOHNSON CITY NY	0703		14-8886	03/31/2014

RESPONDED TO HQS TO ASSIST THE OFFICE PERSONNEL WITH THE PHONES, CUSTODIES, AND WALK UPS.
I WAS THEN ADVISED BY C-225 TO RESPOND TO WILSON HOSPITAL ER AND ASSIST THE OFFICERS THERE. I
STOOD BY WITH OFF. K. MILLER IN THE ER. SGT. QUINONES THEN ADVISED ME TO GO TO THE OR ROOM #7
AND RELIEVE TROPPER M. CAVE. STOOD BY OUTSIDE THE OR ROOM WHILE THEY WERE OPERATING. THE
MALE SUBJECT, ID AS J. CLARK, DID NOT MAKE IT THROUGH THE SURGERY. ESCORTED THE J. CLARK TO
THE MORGUE FOR AN AUTOPSY. SGT. SENIO ADVISED ME TO GATHER ALL OF J. CLARK'S BELONGINGS AND
ANY BULLETS OR BULLET FRAGMENTS AT THE OR. ADVISED BY JCPD THAT J. ELLIS HAD ALL OF J. CLARK'S
PERSONAL BELONGINGS. THE MEDICAL STAFF STATES THERE WAS ONLY ONE BULLET FRAGMENT IN J.
CLARK'S BODY THAT DR. PRINGLE WILL EXTRACT DURING THE AUTOPSY.

OFFICER'S NAME, RANK & I.D.
PTL. KEVIN M. HESLIN 193

APPROVED BY

Kevin M. Heslin *Sgt. Michael Senio*
SUPPLEMENTARY POLICE REPORT

CITY OF BINGHAMTON POLICE DEPT.

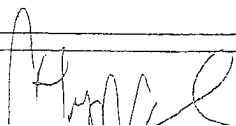
38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison St., J. C.	0703hrs		14-8335	03/31/2014

I responded to the above address on a report of an officer-involved shooting.

When I arrived I was assigned to stand by at the south end of the crime scene on Harrison St. to keep unauthorized people out of that area, and I remained there until released from that location at approximately 1435hrs.

OFFICER'S NAME, RANK, & ID
PTLM. P. J. PALMER #2-247 C203



APPROVED BY

CAPT. Dale Ryan / Ryan

CITY OF BINGHAMTON POLICE DEPT.

33 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

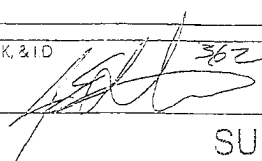
INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison St Johnson City	0703	0300	14-08885	03/31/2014

On 31 March 2014 at approximately 0830 hours I, Ptl. Stocum, was contacted by Binghamton Police Department and informed that extra man power was needed. Upon arrival to the department I was informed of an officer involved shooting in Johnson City. I was instructed to report to 32 Harrison St in Johnson City to relieve officers that were already on scene. I reported to the above stated location and relieved Ptl. Palmer and assisted with keeping the crime scene secured.

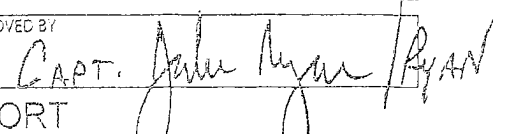
Nothing Follows.

OFFICER'S NAME, RANK, & ID

Ptl. J. Stocum



APPROVED BY



SUPPLEMENTARY POLICE REPORT

057H

1 Agency: Birmingham Police
 2 Division/ precinct: 224B
 3 City: New York State
 4 X-Off: 0030100
 5 Date: 03/31/2014
 6 Time: 0703
 7 Report Date: Mo
 8 Date: 03/31/2014
 9 Report Time: 0703
 10 Occurred On/From: Mo
 11 Date: 03/31/2014
 12 Time: 0703
 13 Agency: ASSIST AGENCY
 14 Incident Type: MURDER - POLICE OFFICER
 15 Suspect Name: SOUTHERN TIER IMAGERY
 16 Weapon: FIREARM

17 Address: 32 HARRISON ST JOHNSON CITY
 18 Victim: []
 19 Victim: []
 20 Victim: []
 21 Victim: []
 22 Victim: []
 23 Victim: []
 24 No of Suspect: 02

25 Person Type: CO - Complainant, OF - Other, PI - Person Interviewed, PR - Person Reported
 26 Report Type: CO
 27 Name Last, First, Middle, Initial: SMITH, DAVID, W.
 28 Date of Birth: []
 29 Street No: []
 30 Title: JCPD OFFICER
 31 Victim Did receive information on Victim's Rights and Services pursuant to New York State Law: [] YES [] NO
 32 Apparent Condition: [] Impaired Drugs, [] Intoxicated, [] Injured, [] Other

33 Name Last, First, Middle: CLARK, JAMES
 34 Address: 132 TURNER ST GREENE, NY 13778
 35 Phone No: []
 36 Date of Birth: []
 37 Age: []
 38 Sex: [] M [] F
 39 Race: [] White, [] Black, [] Other, [] Indian, [] Asian, [] Unk.
 40 Ethnic: [] Hispanic, [] Unk., [] Non-Hispanic
 41 Skin: [] Light, [] Dark, [] Unk., [] Medium, [] Other
 42 Height: []
 43 Weight: []
 44 Hair: []
 45 Eyes: []
 46 Glasses: [] Yes, [] No, [] Contacts
 47 Build: [] Small, [] Large, [] Medium
 48 Employer/School: []
 49 Address: []
 50 Misc: []
 51 Items: []
 52 Items: []
 53 Items: []
 54 Items: []
 55 Items: []
 56 Items: []
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 61 Items: []
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 91 Items: []
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 95 Items: []
 96 Items: []
 97 Items: []
 98 Items: []
 99 Items: []
 100 Items: []

60 Vehicle Status: []
 61 License Plate No: []
 62 Status: []
 63 Expiration: []
 64 Plate Type: []
 65 Value: []
 66 Year: []
 67 Make: []
 68 Model: []
 69 Style: []
 70 VIN: []
 71 License: []
 72 Issued By: []
 73 Vehicle Notes: []

BPD OFFICERS ASSISTED JCPD WITH A HOMICIDE OF A POLICE OFFICER.
 SEE EACH OFFICER'S SUPPLEMENTARY REPORT.

74 Injunction to seek all that apply: []
 75 NY/SPN Message No: 307
 76 Reporting Officer's Name (Print): SGT. M. SENIO
 77 Supervisor's Signature (Print): []
 78 Status: []
 79 Status Date: []

PROPERTY
 VEHICLE
 ASSOCIATED PERSONS
 VICTIM
 SUSPECT
 MISSING/ARRESTED PERSON
 ADMINISTRATIVE

A
 B
 C
 D
 E
 F
 G
 H
 I
 J
 K
 L
 M
 N
 O
 P
 Q
 R
 S
 T
 U
 V
 W
 X
 Y
 Z

Lead = 32
 Remaining Patrol
 Supervisors

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION:	TIME	CODE	CASE NUMBER	DATE
32 HARRISON STREET	0703HRS	MISC	14-8,886	03/31/2014

ON THE MORNING OF MONDAY 3/31/14 I WAS ASSIGNED AS THE BPD DESK SUPERVISOR FOR RELIEF-2 (DAY SHIFT).

A FEW MINUTES AFTER 7AM, BROOME COUNTY 9-1-1 DISPATCH SENT BINGHAMTON POLICE CARS TO ASSIST JOHNSON CITY POLICE AT 32 HARRISON STREET FOR A REPORT OF SHOTS-FIRED. BROOME DISPATCH ADVISED ME ON THE PHONE THAT THERE MAY BE AN ACTIVE SHOOTER AT THAT LOCATION, AND I PREPPED BPD CARS OVER THE RADIO TO TREAT IT AS SUCH.

I WAS SOON ADVISED THAT A JCPD OFFICER HAD BEEN SHOT, AND A SUSPECT MAY BE IN CUSTODY.

I MADE NOTIFICATIONS TO BPD ADMINISTRATION.

I NOTIFIED CERTAIN OFF-DUTY BPD PERSONNEL TO COME IN TO WORK, INCLUDING DETECTIVES AND ADDITIONAL PATROL OFFICERS TO COVER THE STREET.

I WAS NOTIFIED FROM THE SCENE BY PTL. T. GROOVER THAT THE SUSPECT, ID'D AS JAMES CLARK, HAS FAMILY IN GREENE, NY INCLUDING A WIFE AND CHILD. IN TURN, I CONTACTED CHENANGO COUNTY SHERIFF'S OFFICE (SGT. ELLINGSTON/UNDERSHERIFF FRAIR) TO MAKE CONTACT WITH THE FAMILY, BUT USE CAUTION AND TREAT HIS INVESTIGATION IN GREENE, NY AS A SCENE TO HOLD. UNDERSHERIFF FRAIR WOULD LATER TELL ME THE HOUSE AND FAMILY MEMBERS ARE SECURED AND THEY WILL BE HOLDING THE SCENE UNTIL LOCAL DETECTIVES COULD ASSIST IN GREENE.

AT NEARLY 9AM, 8 PATROL OFFICERS, WHO HAD BEEN CALLED IN, WENT IN-SERVICE TO COVER THE STREET ALONG WITH CAPT BRACCO.

11:16AM - PTL. HESLIN MAKES NOTIFICATION FROM WILSON HOSPITAL THAT SUSPECT JAMES CLARK IS DECEASED.

I SUPERVISED THE DESK ACTIVITIES THE REMAINDER OF THE DAY UNTIL RELIEVED BY SGT. PAVELSKI.

I TAGGED INTO EVIDENCE MY HANDWRITTEN NOTES OF MY DIRECT ACTIVITIES/KNOWLEDGE FROM THE DESK.

OFFICER'S NAME, RANK, & ID.

Sgt. Michael Senio

SGT. M. SENIO

APPROVED BY

CAPT. John Ryan / Ryan

SUPPLEMENTARY POLICE REPORT

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION: 32 Harrison St.	TIME 0703 Hrs.	CODE	CASE NUMBER 14-2598	DATE 03/31/2014
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Monday March 31st, 2014 at 0703 hrs. I was working as Binghamton car post 200. I was dispatched to 32 Harrison Ave. for a report of shot's fired. I arrived on scene in minute's. When I arrived I saw Johnson City Police Officer Lou Cioci on top of a white male suspect. Officer Cioci was covered in blood and holding the male down. I ran to Cioci to give him assistance. The suspect was handcuffed and had been shot multiple time's. The suspect had not been searched and was still physically and verbally active. Myself, Sgt. Quinones and Officer Cioci searched the suspect, tearing his shirt's and jacket off to ensure he was no longer armed. EMT's were on scene. After we had searched the suspect the medic's on scene loaded him on to a back board and I walked with the medic's and brought the suspect inside. The suspect was secured inside and medic's began to work on him. I was re-assigned to stay with Officer Dave Smith who had been shot by the suspect during the encounter. I stayed with Officer Smith in the ER to CAT scan and back to the ER while doctor's worked on him. Eventually it was called and Officer Dave Smith passed. I collected his belonging's 1 bullet resistant vest, 1 JCPD mock turtle neck, 1 JCPD Uniform shirt, 1 pair of work boot's and 1 JCPD Police shield belonging to Officer Dave Smith. Officer Smith's shield was turned over to Chief of Police Joe Zikuski. I turned all other evidence over to Ptlm. Jessica Griffin of the Department ID unit. I stood by with Officer Smith while family visited. Once all visitor's had gone I accompanied Officer's Smith's body to the morgue. I stood by while an autopsy was performed. Once the autopsy was finished I went to the JCPD Detective Division and informed Lt. Burnett that the autopsy had been finished. No further action taken at this time.

OFFICER'S NAME, RANK, & ID Ptlm. <i>K. Miller</i>	K. Miller 321	APPROVED BY <i>Sgt. Michael Smith</i>	SEKHO
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SUPPLEMENTARY POLICE REPORT

CITY OF BINGHAMTON POLICE DEPT.

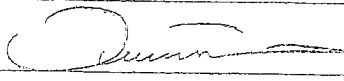
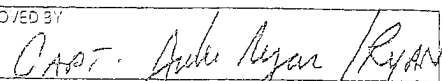
38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 2

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison St	703	657H	14-8836	03/31/2014

On the above date and time I was dispatch to the area of Harrison street for what was initially dispatched as a report of shots fired. Immediately after the original dispatch a radio transmission was made advising that the situation was a confirmed active shooter incident. Upon arrival I parked my vehicle behind two ambulances that were parked in the middle of the road. I ran past the ambulances and saw JCPD Police Officer Cioci on the ground on top of a white male handcuffing him while several EMT's and hospital personnel staged nearby. Ptlm Kevin Miller and I ran over to assist Ofc. Cioci with securing the male later identified as James Clark. I asked Ofc. Cioci if Clark was the only known suspect and he said yes. I than asked Ofc Cioci if there were any victims to which Cioci stated " It's D.W, I don't think he made it." I asked Cioci who D.W. was and he stated Smith; referring to Johnson City Police officer Dave Smith. At this point I radioed BPD head quarters and advised the front desk that there was a suspect in custody. After verifying Clark was handcuffed I advised Ptlm. Miller that Clark needed to be properly searched prior to his transport for medical attention. Clark had several layers of clothing on making it difficult to search him. I instructed the medical personnel on scene to cut away Clark's clothing prior to his transport. I told Ptlm. Miller to stay with Clark as they transported him across the street to Wilson hospital emergency room.

After Clark was removed from the scene I began to order all non essential personnel to leave the area of the crime scene. I directed responded BPD officers Seidel, Buchanan, Bonanno to tape off the area around the crime scene and not to let anyone in or out without the proper authority, shortly after the crime scene was established Captain Ryan arrived on scene and assumed command. Patrol officers were placed around the perimeter of the crime scene and Ptlm. Seidel was tasked with starting a crime scene log. With Capt. Ryan in command of the scene I walked over to the emergency room to check in with the personnel within. I spoke with Ptlm. Miller who was posted outside of Ofc. Smiths room. I asked him where the suspect was and he told me that he had been taken upstairs to the operating room. I asked him if an officer was with him to which he said a plain cloth state police investigator had gone up with Clark. I went upstairs and verified that Investigator Cave of the state police was in fact posted outside the door of the operating room. Since the O.R. corridor is a sterile environment Investigator Cave had to get dressed in protective sterile hospital attire to remain in the area. I told a nurse to rely to Cave that I would find a uniform officer replace him as soon as I could. Ptlm. K Heslin later relieved investigator Cave and stayed with Clark until his passing later that morning.

I than met up with Capt. Ryan who updated me with new developments and relayed personnel assignments that needed to be made. Capt Ryan instructed that I stayed in the area of the crime scene and supervise the personnel while

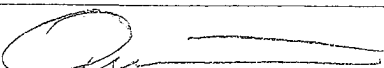
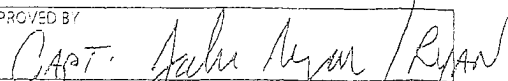
OFFICER'S NAME, RANK, & ID	APPROVED BY
Sgt Quinones 341 	CAPT.  Ryan

CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 2 of 2

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison St	703	657H	14-8886	03/31/2014

he met with Police administration. Capt Ryan later returned and left me with instructions on the tasks that needed to be done prior to the crime scene being secured. Capt Ryan left the scene at approximately 1225 and left me in command of it. I stood by with other uniform personnel until the crime identification unit completed their investigation. We requested that JCFD respond to assist in the clean up. After JCFD finished and with the permission of the Crime ID unit Harrison street was opened back up to vehicle traffic. At the request of ID and State Police ID Ofc. Johnson and I stood by until two vehicles that were parked outside of Southern Tier imaging were moved. ID suspected that there might have been evidence that may have rolled under the vehicles during the shooting. The owners of the vehicles arrived and removed the vehicles. After the ID unit completed their search with negative results at approximately 1559 the scene was secured.

OFFICER'S NAME, RANK, & I.D. Sgt Quinones 341		APPROVED BY CAPT.  / Ryan
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1 Agency Binghamton Police Department	2 Division/Precinct New York State	3 ORI INCIDENT REPORT NY0030100	4 <input type="checkbox"/> Orig <input checked="" type="checkbox"/> Supp	5 Case No. 2014-00008886	6 Incident No.
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Supplemental Narrative

NARRATIVE

I responded to the area of 32 Harrison St in Johnson City after Broome advised of shooting and an officer possibly down. Upon arrival I found several officers already on the scene. Capt Ryan (225) advised to secure the scene around Southern Tier Imaging for a crime scene investigation and to remove any people (civilians) from the area.

Witness:

[REDACTED]

I then approached a w/f who was standing near the Southern Tier Imaging building. She identified herself as [REDACTED] and that she is the [REDACTED] for Southern Tier Imaging and that she witnessed the shooting. She also appeared to be in shock. [REDACTED] stated she had approached the front doors of Southern Tier Imaging and one of their employees James Clark was inside holding the door so she could not get inside. She stated Clark would not let go of the door and said the police are coming. She stated Clark's face was very pale and that he appeared to be upset or in a panic. She stated soon after a police car approached and drove past the building and stopped. She stated Clark then ran out of the building and ran towards the police car. She stated almost immediately before the police officer could get out of the car Clark started fighting with the officer. She stated as they fought the next thing she knew Clark had a gun and shot the officer. She stated she did not know where the gun came from. She stated she did not see Clark with a gun before the officer arrived and did not know if Clark got the gun from the officer. She also stated while Clark was at the doors he said something about a bomb, that there is a bomb.

[REDACTED] stated shortly after this she heard someone yell to put the gun down and saw Clark point the gun down the street (towards Main St) and start shooting. She stated Clark started to walk towards the direction he was shooting, but was then shot by another police officer and then moved backwards.

[REDACTED] appeared to still be in a state of shock, but stated she was ok. She stated she has known Clark for several years and that he is a MRI Technician for Souther Tier Imaging. She stated she has never known for him to have any mental health problems and gets along with everyone. She advised Clark is married and has a 5 year old son and that they all live in Greene, NY. She stated she could not think of why Clark would behave this way and do something like this.

I then contacted Capt Ryan and advised him of Clark's family in Greene. He advised he would have another agency check on their welfare. I then asked [REDACTED] if Clark had a car parked anywhere and she advised he usually parks in the employee lot on Hudson St. I then walked with [REDACTED] to the parking lot on Hudson St where she pointed out Clark's car, which is a [REDACTED] which is registered to his wife Jennifer Clark.

I then advised Capt Ryan I had located Clark's vehicle and he advised to stand by with it until a New York State Trooper arrived to relieve me. Soon after at about 07:50 hrs I was relieved by Trooper Rosencrans. I then transported [REDACTED] to Johnson City Police H/Q's. I then returned to 32 Harrison St and stood by with other officers for crime scene security.

At about 08:23hrs myself and K-9 officer Ptl Kneer and [REDACTED] who is the [REDACTED] and Ptl Buchanan, entered the Southern Tier Imaging building so Ptl Kneer's K-9 could search the building for any explosive devices; but nothing was found. Ptl. Kneer and his K-9 searched Clark's car and found it to be clear. I then returned to crime scene security.

At about 10:15hrs I was approached by [REDACTED] who advised he received a phone call from Inv Jeff Wagner requesting a list of their employees. He advised this information was in his office inside. At 10:19hrs, per Capt Ryan I entered the Southern Tier Imaging building with [REDACTED] who made a copy of a list of employees and handed it over to me. We then exited the building at 10:27hrs. I then turned the employee list over to Inv. Wagner and returned to crime scene security.

At about 12:30 hrs Sgt Quinones advised to respond back to the Hudson St employee parking lot and relieved Trooper Rosencrans and stand by with Ptl. Charpinsky with Clark's vehicle until Endicott PD Bomb Squad and BPD Crime Scene Investigators to arrive. After Endicott PD and Inv April Demer completed their search of Clark's vehicle U-Save Auto responded to tow Clark's vehicle to police impound.

No further action taken by this officer.
Ptl. T. Groover #57/230

T. Groover

Capt. Ryan G. Mer 299

CITY OF BINGHAMTON POLICE DEPT.

33 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 Harrison Street	0703	657H	14-8886	03/31/2014

I responded to 32 Harrison Street, Johnson City, NY, concerning a report of shots fired. While enroute, units were advised this incident was possibly a active shooter. When I arrived, I learned that there was a Officer involved shooting and a Officer had been shot, as well as the suspect. The Officer had been removed to the hospital and the suspect had been secured and removed to the hospital. I initially assisted with securing the scene.

At one point, Capt Ryan told me to respond to 22 and 30 Harrison Street and assist Hospital Security with evacuating the buildings. The State Police were at 22 and 30 Harrison Street, and were in the process of evacuating the buildings. When I located Hospital Security, I asked a Security Officer to make a announcement, to evacuate the building, to ensure everyone had evacuated. At one point, we believed everyone had evacuated the building.

While 22 and 30 Harrison Street was being evacuated, [REDACTED] told me she had witnessed the incident. I advised Capt. Ryan of [REDACTED]. Capt. Ryan told me, to escort [REDACTED] Harrison Street and he would arrange a transport of [REDACTED] to the Johnson City Police Department.

Also, while at the lobby of 22 and 30 Harrison Street, a [REDACTED] approached me. [REDACTED] explained, a [REDACTED] told him, that he witnessed the incident, but [REDACTED] had left. [REDACTED] gave [REDACTED] a telephone number of a [REDACTED].

I contacted the Johnson City Police Department and gave the Desk Officer [REDACTED] information, to give to the Detectives. I escorted [REDACTED] to Harrison Street and Main Street. A Broome County Sheriff's Deputy transported [REDACTED] to the Johnson City Police Department.

While State Police and Broome County Sheriff Deputies stood by in the lobby for 22 and 30 Harrison Street, myself, PTL. Groover, and [REDACTED] responded to 32-36 Harrison Street, and stood by, while PTL. Kneer checked the building with his dog, for a bomb, with negative results.

After 32-36 Harrison Street was checked, I returned to the lobby of 22 and 30 Harrison Street, and stood by until Hospital [REDACTED] responded and told me, he was securing the buildings.

After securing from the lobby of 22 and 30 Harrison Street, I assisted with securing the south portion of the crime scene on Harrison Street, until SGT. Quinones told me I could secure.

[REDACTED]

OFFICER'S NAME, RANK, & ID
[Signature]

/PTL. William J. Buchanan III

APPROVED BY
CAPT. John Ryan / RYAN

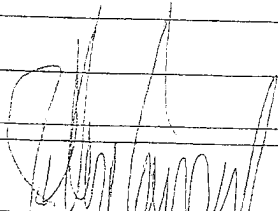
CITY OF BINGHAMTON POLICE DEPT.

38 HAWLEY STREET BINGHAMTON, NY 13901 (607) 723-5321 Page 1 of 1

INCIDENT LOCATION	TIME	CODE	CASE NUMBER	DATE
32 HARRISON ST, JOHNSON CITY	0703		14-8836	03/31/2014

RESPONDED TO A REPORT OF SHOTS FIRED ON HARRISON ST. ENROUTE RADIO ADVISED THE SUSPECT WAS IN CUSTODY. ON ARRIVAL I ENCOUNTERED [REDACTED] STANDING IN THE ROADWAY. SHE WAS HIGHLY UPSET AND STATED SHE HAD WITNESSED THE SHOOTING. SHE STATED THE SUSPECT HAD ATTACKED THE OFFICER. I HAD HER STAND BY HER VEHICLE AND CONTINUED TOWARDS THE SCENE. SGT QUINONES THEN HAD ME BEGIN TO SECURE HARRISON ST TO PROTECT THE CRIME SCENE. I WAS APPROACHED BY SECURITY GUARD [REDACTED] WHO STATED HE WAS A WITNESS. HE ALSO HAD THE NAMES OF OTHER WITNESSES: [REDACTED] AND [REDACTED]. ONCE THE SCENE WAS SECURE I TRANSPORTED [REDACTED] TO JCPD HQ FOR DEPOSITION. AT JCPD I ASSISTED IN SECURING THE WITNESSES SO THEY COULD BE DEPOSED BY INVESTIGATORS. WHEN ALL DEPOSITIONS WERE COMPLETED I WAS SENT TO [REDACTED] JOHNSON CITY TO STAND BY THE HOME OF OFFICER SMITH'S PARENTS. I REMAINED THERE UNTIL RELIEVED BY PTLM MCMAHON.

OFFICER'S NAME, RANK, & ID
JEFFEREY CARPENTER



APPROVED BY
 SGT Michael P. Smith

Law Enforcement Officers Killed and Assaulted Program
ANALYSIS OF OFFICERS FELONIOUSLY KILLED AND ASSAULTED

This report is authorized by law Title 28, Section 534, U.S. Code. Please use this form to report circumstances and other details regarding law enforcement officers from your department who were killed or assaulted and injured with a firearm or a knife or other cutting instrument. The information you submit will assist the FBI in the compilation of the annual publication, *Law Enforcement Officers Killed and Assaulted*, and will also provide valuable data for law enforcement purposes, including officer training. Your cooperation, time, and effort are appreciated.

DATA PERTAINING TO VICTIM OFFICER'S AGENCY

Agency JOHNSON CITY POLICE DEPARTMENT

Originating Agency Identifier (ORI) NY0030300

Head of agency CHIEF JOSEPH T. ZIKUSKI
Rank/Title First Middle (if no middle name, indicate 'NMN') Last

Agency address 31 AVENUE C JOHNSON CITY NY 13790
Mailing address City State Zip code

Victim officer's assigned office (Do not complete if information is same as above.)

Precinct, district, troop, barracks, region, etc. _____

Head of assigned office _____
Rank/Title First Middle (if no middle name, indicate 'NMN') Last

Address of assigned office _____
Mailing address City State Zip code

Type of agency

- City
- County
- State
- Federal
- Tribal (non-federal only)
- Other (specify) _____

GENERAL DATA PERTAINING TO INCIDENT

Type of incident

- Felonious killing
- Assault with injury
 - Firearm
 - Knife/other cutting instrument
 - Other dangerous weapon
 - Personal weapons (hands, fists, feet, etc.)

DO NOT WRITE HERE	
File Number	
Incident Number	
Group	
Region	
Division	
Received	
Entered	

Agency incident or case number 14-2598

Date of incident 03 / 31 / 2014
(mm/dd/yyyy)

Time of incident 0703
(Military hhmm)

Number of hours on duty prior to incident 1

Location of incident

City VILLAGE OF JOHNSON CITY
County BROOME
State NEW YORK
Country U.S.

Type and description of location of incident

Type of location	Location of initial contact with offender(s)	Location of attack on victim officer
Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Government	<input type="checkbox"/>	<input type="checkbox"/>
Public space		
Highway/road/alley/sidewalk	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lakes/rivers/parks	<input type="checkbox"/>	<input type="checkbox"/>
Other public space (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
Description of location		
Inside of structure	<input type="checkbox"/>	<input type="checkbox"/>
Outside	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

PART I - PERSONAL DATA PERTAINING TO VICTIM OFFICER

- 1.1 Name DAVID W. SMITH
First Middle (if no middle name, indicate 'NMN') Last
- 1.2 Rank PATROLMAN
- 1.3 Date of birth 07 / 27 / 1970
(mm/dd/yyyy)
- 1.4 Height 5 / 02
(feet/inches)
- 1.5 Weight 205 lbs

1.6 Sex
 Male
 Female

1.7 Race
 White
 Black or African American
 American Indian or Alaska Native
 Asian
 Native Hawaiian or Other Pacific Islander

1.8 Ethnicity
 Hispanic or Latino
 Not Hispanic or Latino

1.9 Total law enforcement experience at time of incident 18 / 6
 (years/months)

1.10 Was victim officer certified/licensed by federal, regional, state, local, or POST (Police Officer Standard Training) academy?
 Yes
 No

1.11 Number of months since officer's last firearm training 2 (Enter 0 if no training received.)

1.12 Number of months since officer's last driver training 216 (Enter 0 if no training received.)

1.13 Number of months since officer's last street survival training 36 (Enter 0 if no training received.)

1.14 In the 48 hours immediately preceding incident, how many hours did victim officer work in a law enforcement capacity? 1 hours

1.15 In the 48 hours immediately preceding incident, how many hours did victim officer work in a non-law enforcement capacity? 0 hours

PART II - CIRCUMSTANCES SURROUNDING INCIDENT

2.1 Death or injury occurred while victim officer was
 Conducting self-initiated activity
 Answering call for service

2.2 Type of assignment
 One-officer patrol
 Two-officer patrol
 Investigative/detective
 Tactical assignment (uniformed)
 Plainclothes assignment
 Special assignment (specify) _____
 Undercover
 Court/prisoner security
 Overtime/extra duty activity
 Off duty, but acting in an official capacity
 Other (specify) _____

2.3 Victim officer's mode of transportation
 Car/truck/SUV
 Motorcycle
 Foot
 Bicycle
 Mounted
 Watercraft
 Undercover vehicle
 Personal vehicle
 Aircraft
 Other (specify) _____

- 2.3.1 Mode of transportation
 Marked
 Unmarked
 Not applicable
- 2.4 Involvement of other officers at time of incident
 Alone, no assistance requested
 Alone, assistance requested
 Assisted by other officer(s)
- 2.5 Did victim officer contact radio dispatch at any point during incident? NO
 Yes
 At what point during attack did victim officer initially contact dispatch?
 Before
 During
 After
 Unknown
 No
 Unknown
- 2.6 Approximately how much time elapsed from initial contact between victim officer and offender until actual attack?
 Sudden/blitz
 Within 10-30 seconds
 Within 30-60 seconds
 Within 1-10 minutes
 Longer than 10 minutes
 Unknown
- 2.7 Approximate distance (in feet) between victim officer and offender(s) at time victim officer was initially attacked 0 Unknown
- 2.8 Select one from each column.

	Call for service or reason for involvement	Circumstance encountered upon arrival at scene of incident	Specific activity being performed at time of attack
Citizen complaint			
Animal bite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Animal disturbance (barking dog, unleashed dog, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Verbal complaints of non-criminal violations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Check on welfare of citizen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Business check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respond to crime in progress			
Assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burglary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larceny-theft	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motor vehicle theft	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person with firearm (no shots fired)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shooting/shots fired	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tampering with vehicle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other crime against person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other crime against property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(Continued on next page)			

Respond to report of crime			
Homicide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burglary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larceny-theft	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motor vehicle theft	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person with firearm (no shots fired)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shooting/shots fired	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tampering with vehicle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other crime against person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other crime against property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assist another law enforcement officer in			
Officer down (requiring emergency assistance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Officer requires emergency assistance (not pursuit)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicular pursuit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foot pursuit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other emergency circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Providing/deploying equipment (traffic cones, flares, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other non-emergency circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respond to alarm			
Burglary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disorder/disturbance			
Civil disorder (mass disobedience, riot, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disturbance call (disorderly subjects, fights, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic disturbance (family quarrels, no assault)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigative/enforcement			
Investigative activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigate suspicious persons or circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigate possible DUI/DWI suspect (operating a vehicle)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Felony traffic stop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic violation stop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigate motor vehicle crash	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wanted person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handling persons with mental illness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tactical situation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Undercover situation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug-related matter (drug busts, buys, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(Continued on next page)			

	Call for service or reason for involvement	Circumstances encountered upon arrival at scene of incident	Specific activity being performed at time of attack
Arrest situation			
Verbal advisement only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attempting to restrain, control, or handoff offender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pursuit			
Vehicular	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foot	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ambush (entrapment/premeditation)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unprovoked attack	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Encounter or assist an emotionally disturbed person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic control (crash scene, directing traffic, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assist motorist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative assignment			
Prisoner transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other administrative assignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.9 Complete following items if incident was related to prisoner transport circumstance. (Skip to Item 2.10 if not applicable.)

- 2.9.1 Prisoner was being transported in
- Prisoner transport wagon
 - Prisoner transport bus
 - Patrol vehicle
 - Unmarked vehicle
 - Other (specify) _____

- 2.9.2 Was transporting vehicle equipped with prisoner partition?
- Yes
 - No
 - Unknown

- 2.9.3 Was prisoner searched by transporting officer prior to being put in vehicle?
- Yes
 - No
 - Unknown

2.10 Complete following items if activity being performed at time of attack was related to traffic stop (including investigation of DUI). (Skip to Part III if not applicable)

2.10.1 Was traffic stop videotaped?

- Yes
- No

2.10.2 Location of offender(s) at time of attack (Complete additional sheets if more than two offenders)

Offender's name			Location of offender(s) at time of attack
First	Middle	Last	
			<i>Seated in</i> <input type="checkbox"/> Suspect vehicle <input type="checkbox"/> Victim officer's vehicle <i>Seated outside in vicinity of suspect vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Seated outside in vicinity of victim officer's vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Standing in vicinity of suspect vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Standing in vicinity of victim officer's vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Unrestricted movement outside of</i> <input type="checkbox"/> Suspect vehicle <input type="checkbox"/> Victim officer's vehicle <i>Prone</i> <input type="checkbox"/> On ground <input type="checkbox"/> On vehicle/object <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Unknown

Additional offender's name			Location of offender(s) at time of attack
First	Middle	Last	
			<i>Seated in</i> <input type="checkbox"/> Suspect vehicle <input type="checkbox"/> Victim officer's vehicle <i>Seated outside in vicinity of suspect vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Seated outside in vicinity of victim officer's vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Standing in vicinity of suspect vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Standing in vicinity of victim officer's vehicle</i> <input type="checkbox"/> Front driver's side <input type="checkbox"/> Front passenger's side <input type="checkbox"/> Rear driver's side <input type="checkbox"/> Rear passenger's side <i>Unrestricted movement outside of</i> <input type="checkbox"/> Suspect vehicle <input type="checkbox"/> Victim officer's vehicle <i>Prone</i> <input type="checkbox"/> On ground <input type="checkbox"/> On vehicle/object <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Unknown

2.10.3 Location of victim officer at time of attack

- Seated in victim officer's vehicle*
 - Prior to approaching suspect vehicle
 - After obtaining contact with offender(s)
- Approaching suspect vehicle on*
 - Driver's side
 - Passenger's side
- Standing in vicinity of suspect vehicle*
 - Front driver's side
 - Front passenger's side
 - Rear driver's side
 - Rear passenger's side
- Standing in vicinity of victim officer's vehicle*
 - Front driver's side
 - Front passenger's side
 - Rear driver's side
 - Rear passenger's side
- Other*
 - Approaching offender
 - Returning to victim officer's vehicle

PART III - ENVIRONMENTAL FACTORS

3.1 Weather conditions at time of incident

- | | |
|---|---|
| <input type="checkbox"/> Clear | <input type="checkbox"/> Severe crosswinds |
| <input type="checkbox"/> Cloudy | <input type="checkbox"/> Hurricane |
| <input type="checkbox"/> Fog, smoke, smog | <input type="checkbox"/> Tornado |
| <input type="checkbox"/> Rain | <input type="checkbox"/> Blowing sand, soil, dirt |
| <input type="checkbox"/> Flooding | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Sleet, hail | <input type="checkbox"/> Unknown |
| <input checked="" type="checkbox"/> Snow | <input type="checkbox"/> Not applicable (indoors) |
| <input type="checkbox"/> Blizzard | |

3.2 Lighting conditions at location of incident

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> Dawn | <input type="checkbox"/> Dark |
| <input checked="" type="checkbox"/> Daylight | <input type="checkbox"/> Artificial |
| <input type="checkbox"/> Dusk | <input type="checkbox"/> Unknown |

3.2.1 Would lighting conditions have been considered dim or poor?

- Yes
 No
 Unknown

3.3 Were take down lights utilized?

- Yes
 No
 Unknown

3.4 Was cover available to victim officer?

- Yes
Was it used?
 Yes, description of actual cover used _____
 No
 Unknown
 No

3.5 Was cover used by offender(s)?

- Yes, description of actual cover used _____
 No
 Unknown

PART IV - INJURIES CONNECTED TO INCIDENT

4.1 Location of injuries inflicted upon victim officer (select all applicable)

- | | |
|---|---|
| <input type="checkbox"/> Front head | <input type="checkbox"/> Rear lower torso/back |
| <input checked="" type="checkbox"/> Rear head - LEFT OCCIPITAL LOBE | <input type="checkbox"/> Front below waist/groin area |
| <input checked="" type="checkbox"/> Side head - LEFT TEMPORAL LOBE | <input type="checkbox"/> Rear below waist/buttocks |
| <input type="checkbox"/> Neck/throat | <input type="checkbox"/> Arms/hands |
| <input type="checkbox"/> Front upper torso/chest | <input type="checkbox"/> Front legs/feet |
| <input type="checkbox"/> Rear upper torso/back | <input type="checkbox"/> Rear legs |
| <input type="checkbox"/> Front lower torso/abdomen | |

4.2 Was victim officer killed in incident?

 YesIndicate one wound location selected in Item 4.1 as fatal injury. SIDE OF HEAD Unable to determineDate of victim officer's death 03 / 31 / 2014
(mm/dd/yyyy) No

How severe were victim officer's injuries?

- Superficial (treated at scene of incident)
 Minor (treated at hospital and released)
 Moderate (admitted to hospital)
 Severe (admitted to hospital with critical injuries)

Has victim officer returned to duty?

- Yes
 No

Is victim officer expected to be permanently disabled?

- Yes
 No
 Unknown

PART V - PROTECTIVE/SAFETY EQUIPMENT5.1 Was victim officer required to wear protective body armor at time of incident?

- Yes
 No

5.2 Was victim officer wearing protective body armor at time of incident?

- Yes
 No

What was indicated as possible reason why victim officer was not wearing protective body armor? (Select one then skip to 5.3.)

- Excessive heat or humidity
 General discomfort
 Undercover assignment
 Off duty
 Other (specify) _____
 Unknown

5.2.1 What was classification of protective body armor? (If two or more different levels of protection, indicate minimum ballistic protection.)

- Type I
 Type IIA
 Type II
 Type IIIA
 Type III
 Type IV
 Special type (specify) _____
 Unknown

Did protective body armor prevent round(s) or cutting instrument(s) from entering victim officer's body?

Yes

Could the round(s) or cutting instrument(s) have caused a mortal wound?

Yes

No

Did victim officer receive injuries due to blunt force trauma?

Yes

No

No

How did round(s) or cutting instrument(s) circumvent protective body armor? SHOT IN HEAD

Entered between side panels of vest

Entered through armhole or shoulder area of vest

Entered above vest (front or back of neck, collarbone area, etc.)

Entered below vest (abdominal or lower back area)

Penetrated through vest (round more powerful than vest's capabilities/specifications)

Penetrated through vest (protective body armor failure)

Number of times protective body armor was circumvented _____

53 Was victim officer wearing uniform at time of incident?

Yes

Type of uniform

Patrol

Utility

Tactical

Other (specify) _____

Were there obvious markings on uniform that would have identified victim officer as law enforcement?

Yes

No

Unknown

Primary color of uniform BLUE

No

Did victim officer verbally identify him/herself as law enforcement?

Yes

No

Unknown

Was other identification evident?

Yes

Description of other identification

Badge displayed

Vest with law enforcement markings

Raid jacket with law enforcement markings

Armband

Other (specify) PATROL VEHICLE

No

Unknown

- 5.4 Did victim officer use ballistic shield during incident?
- Yes
 - Did ballistic shield successfully deflect any rounds?
 - Yes
 - No
 - Unknown
 - Not applicable (not fired upon)
 - No (equipped with ballistic shield)
 - Unknown
 - Not applicable (not equipped with ballistic shield)

PART VI - WEAPON USE DURING INCIDENT

The following items refer to weapons brought to scene of incident by victim officer and victim officer's use of his/her weapons during incident.

6.1 Indicate all that apply for each column.

	Weapon(s) victim officer had upon arrival at scene of incident	Weapon(s) victim officer <u>used</u> during incident	Weapon(s) victim officer <u>attempted to use</u> during incident
Service weapon (firearm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Backup firearm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional firearm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Baton (ASP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knife (blade length in inches)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other cutting instrument (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bean bag gun	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conductive energy device (Taser, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chemical spray (Mace, pepper spray, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6.2 Was victim officer wearing holster at time of incident?
 Yes
 No

If yes, type of holster

Service weapon (firearm)	Backup firearm
<input checked="" type="checkbox"/> Duty/tactical <input type="checkbox"/> Crossdraw <input checked="" type="checkbox"/> Sidedraw <input type="checkbox"/> Thigh <input type="checkbox"/> Concealment <input type="checkbox"/> Inside waist band (IWB) <input type="checkbox"/> Shoulder <input type="checkbox"/> Belly band/waistpack <input type="checkbox"/> Ankle <input type="checkbox"/> Groin <input type="checkbox"/> Pocket <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> No holster	<input type="checkbox"/> Duty/tactical <input type="checkbox"/> Crossdraw <input type="checkbox"/> Sidedraw <input type="checkbox"/> Thigh <input type="checkbox"/> Concealment <input type="checkbox"/> Inside waist band (IWB) <input type="checkbox"/> Shoulder <input type="checkbox"/> Belly band/waistpack <input type="checkbox"/> Ankle <input type="checkbox"/> Groin <input type="checkbox"/> Pocket <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Did not have backup firearm <input type="checkbox"/> No holster
Retention level classification (e.g., 1,2,3, etc.) 2	Retention level classification (e.g., 1,2,3, etc.)

6.3 Description of firearm(s) victim officer had upon arrival at scene

	Service weapon (firearm)	Backup firearm	Additional firearm
Description	<input checked="" type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun	<input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun	<input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun
Make	GLOCK		
Model	22		
Cartridge type (include caliber)	.40 CAL		
Barrel length (in inches)			
Type	<input type="checkbox"/> Automatic <input checked="" type="checkbox"/> Semiautomatic <input type="checkbox"/> Revolver <input type="checkbox"/> Pump <input type="checkbox"/> Bolt action <input type="checkbox"/> Lever action	<input type="checkbox"/> Automatic <input type="checkbox"/> Semiautomatic <input type="checkbox"/> Revolver <input type="checkbox"/> Pump <input type="checkbox"/> Bolt action <input type="checkbox"/> Lever action	<input type="checkbox"/> Automatic <input type="checkbox"/> Semiautomatic <input type="checkbox"/> Revolver <input type="checkbox"/> Pump <input type="checkbox"/> Bolt action <input type="checkbox"/> Lever action
Location of weapon at time of attack	<input checked="" type="checkbox"/> On person <input checked="" type="checkbox"/> Holstered <input type="checkbox"/> Not holstered <input type="checkbox"/> In vehicle <input type="checkbox"/> Other location (specify) _____	<input type="checkbox"/> On person <input type="checkbox"/> Holstered <input type="checkbox"/> Not holstered <input type="checkbox"/> In vehicle <input type="checkbox"/> Other location (specify) _____	<input type="checkbox"/> On person <input type="checkbox"/> Holstered <input type="checkbox"/> Not holstered <input type="checkbox"/> In vehicle <input type="checkbox"/> Other location (specify) _____

6.3.1 When did victim officer use or attempt to use his/her firearm(s) during incident?

- Prior to offender initiating an attack
- About same time as attack was initiated
- After offender initiated attack
- Unknown

6.3.2 Did victim officer experience difficulty in retrieving his/her firearm(s) during incident?

- Yes
- No

If yes, indicate specific reason.

Service weapon (firearm)	Backup firearm	Additional firearm
<input checked="" type="checkbox"/> Disarmed by offender(s)	<input type="checkbox"/> Disarmed by offender(s)	<input type="checkbox"/> Disarmed by offender(s)
<input type="checkbox"/> Severely injured	<input type="checkbox"/> Severely injured	<input type="checkbox"/> Severely injured
<input type="checkbox"/> Physically prevented from retrieving weapon	<input type="checkbox"/> Physically prevented from retrieving weapon	<input type="checkbox"/> Physically prevented from retrieving weapon
<input type="checkbox"/> Experienced difficulty or delay in removing weapon from holster	<input type="checkbox"/> Experienced difficulty or delay in removing weapon from holster	<input type="checkbox"/> Experienced difficulty or delay in removing weapon from holster
<input type="checkbox"/> Weapon was not on person (stored in vehicle, briefcase, or other location)	<input type="checkbox"/> Weapon was not on person (stored in vehicle, briefcase, or other location)	<input type="checkbox"/> Weapon was not on person (stored in vehicle, briefcase, or other location)
<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown
	<input type="checkbox"/> Did not have backup firearm	<input type="checkbox"/> Did not have additional firearm

6.3.3 Did victim officer's firearm(s) malfunction during use or attempted use?

- Yes
- No

If yes, indicate specific reason for malfunction.

Service weapon (firearm)	Backup firearm	Additional firearm
<input type="checkbox"/> Faulty ammunition	<input type="checkbox"/> Faulty ammunition	<input type="checkbox"/> Faulty ammunition
<input type="checkbox"/> Improper ammunition	<input type="checkbox"/> Improper ammunition	<input type="checkbox"/> Improper ammunition
<input type="checkbox"/> No round in chamber	<input type="checkbox"/> No round in chamber	<input type="checkbox"/> No round in chamber
<input type="checkbox"/> Stovepiped	<input type="checkbox"/> Stovepiped	<input type="checkbox"/> Stovepiped
<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown
	<input type="checkbox"/> Did not have backup firearm	<input type="checkbox"/> Did not have additional firearm
Did malfunction occur after initial round was fired?	Did malfunction occur after initial round was fired?	Did malfunction occur after initial round was fired?
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown

6.3.4 Did victim officer fire his/her firearm(s) during incident?

Yes

At what point did victim officer use firearm(s)?

- Before receiving injury
- About same time as receiving injury
- After receiving injury
- Unknown

Number of rounds fired by victim officer _____

Did rounds hit offender(s)?

- Yes, number of rounds _____
- No
- Unknown

If rounds struck offender(s), what was effect?

- No effect
- Tended to irritate/enrage
- Caused disabling effect
- Other (specify) _____
- Unknown

Approximate distance (in feet) between victim officer and offender(s) at time victim officer fired his/her firearm(s) _____ Unknown

No

6.3.5 Did victim officer carry extra ammunition on his/her person during incident?

- Yes
- No

6.3.6 Did victim officer reload?

Yes

Type of reloading device

- Magazine
- Speed loader
- Loose rounds
- Other (specify) _____

No

6.4 If victim officer used any weapon other than firearm during incident, what was effect on offender(s)?

- No effect
- Tended to irritate/enrage
- Caused disabling effect
- Other (specify) _____
- Unknown
- Not applicable

6.5 If assisted at scene of incident, did other officers fire at offender(s) at scene of initial attack?

Yes

Number of rounds fired by assisting officers 12

Did any rounds hit offender(s)?

- Yes, number of rounds 8
- No
- Unknown

No

Not applicable

The following items refer to weapons carried and/or used by offender(s) during incident.

- 6.6 Did victim officer have prior knowledge that a weapon might be involved?
 Yes
 No
 Unknown

- 6.7 Indicate all that apply for each column for weapons brought to scene of incident by *victim officer* and/or used against victim officer.

	Weapon(s) offender(s) took/disarmed from victim officer during incident	Victim officer's weapon(s) used by offender(s) to kill/assault victim officer	Victim officer's weapon(s) taken from scene of incident by offender(s)
Service weapon (firearm)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Backup firearm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional firearm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Baton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knife	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(Indicate blade length in inches)			
Other cutting instrument (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bean bag gun	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conductive energy device (Taser, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chemical spray (Mace, pepper spray, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 6.8 Indicate all that apply for each column in reference to weapons brought to scene of incident by *offender(s)* and their use against victim officer.

	Weapon(s) offender(s) had upon arrival at scene of incident	Offender's weapon(s) used to kill/assault victim officer
Firearm	<input type="checkbox"/>	<input type="checkbox"/>
Additional firearm	<input type="checkbox"/>	<input type="checkbox"/>
Knife	<input type="checkbox"/>	<input type="checkbox"/>
(Indicate blade length in inches)		
Other Cutting Instrument (specify)	<input type="checkbox"/>	<input type="checkbox"/>
Bomb	<input type="checkbox"/>	<input type="checkbox"/>
Blunt instrument	<input type="checkbox"/>	<input type="checkbox"/>
Personal weapons (hands, fists, feet, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>
None	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

6.8.1 Description of offender's firearm(s) used to kill/assault victim officer

	Firearm	Additional firearm
Description	<input checked="" type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun	<input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Not applicable
Make	GLOCK	
Model	22	
Cartridge type (include caliber)	.40	
Barrel length (in inches)		
Type	<input type="checkbox"/> Automatic <input type="checkbox"/> Pump <input checked="" type="checkbox"/> Semiautomatic <input type="checkbox"/> Bolt action <input type="checkbox"/> Revolver <input type="checkbox"/> Lever action	<input type="checkbox"/> Automatic <input type="checkbox"/> Pump <input type="checkbox"/> Semiautomatic <input type="checkbox"/> Bolt action <input type="checkbox"/> Revolver <input type="checkbox"/> Lever action
Was offender's weapon altered from its manufactured state?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If killed, which firearm caused fatal injury?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following items refer to incidents in which a firearm (the victim officer's or the offender's) was used to kill/assault victim officer.

- 6.9 Number of rounds fired by offender(s) 15 Unknown
- 6.10 Number of rounds that struck victim officer 2 Unknown
- 6.11 Approximate distance (in feet) between victim officer and offender(s) at time offender fired weapon 1 Unknown
- 6.12 Was firearm recovered?
 Yes
 No
 Unknown
- 6.13 If rounds were fired by victim officer and offender, who fired first?
 Victim officer
 Offender
 Unknown
 Not applicable (victim officer did not fire)

PART VII - OFFENDER(S) INVOLVED IN INCIDENT

7.1 Number of individuals determined by law enforcement investigation to have participated in or aided and abetted the killing/assault of victim officer 0 Unknown

PART VIII - OFFENDER DATA

(PROVIDE PART VIII FOR EACH OFFENDER.)

8.1 Is offender known?

- Yes
- No (skip to Part IX)

8.2 Offender's name JAMES PAUL CLARK
First Middle (if no middle name, indicate "NMN") Last

8.3 Offender's date of birth 06 / 12 / 1970
(mm/dd/yyyy)

8.4 Offender's height 5 / 10
(feet/inches)

8.5 Offender's weight 225 lbs

8.6 Offender's sex

- Male
- Female

8.7 Offender's race

- White
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander
- Unknown

8.8 Offender's ethnicity

- Hispanic or Latino
- Not Hispanic or Latino

8.9 Is offender a United States citizen?

- Yes
- No, year offender last entered United States _____ Unknown
- Unknown (yyyy)

8.10 Was offender born in United States?

- Yes, name of state NEW YORK
- No, name of United States Territory or foreign country _____
- Unknown

8.11 Offender's current or last known residence _____

City _____
 County _____
 State _____
 Country U.S.

8.12 Offender's current status (select all applicable)

- At large
- Arrested
Date of arrest _____ / _____ / _____
(mm/dd/yyyy)

Charges placed against offender _____

- Wounded
Method of receiving wounds
 - By victim officer
 - By assisting officer(s)
 - By officer(s) at other scene of incident
 - By civilian(s)
 - Other circumstances (specify) _____

- Deceased
Method of death
 - Justifiably killed by victim officer
 - Justifiably killed by assisting officer(s)
 - Justifiably killed by officer(s) at other scene of incident
 - Killed by civilian(s)
 - Committed suicide
 - Died under other circumstances (specify) _____

Date of death 03 / 31 / 2014
(mm/dd/yyyy)

Location of death
 City VILLAGE OF JOHNSON CITY
 County BROOME
 State NEW YORK
 Country U.S.

- Other (specify) _____

8.13 Can this incident be categorized as a *suicide by cop*?

- Yes
Select one
 - Suicide by cop*
 - Suspected suicide by cop*
 - Attempted suicide by cop*
- No

8.14 Offender's FBI Number 900340NA7 None

8.15 Was restraint device on offender prior to attack?

Yes

Type of restraint device (select all applicable)

Handcuffs in front

Handcuffs in back

Leg shackles

Other device (specify) _____

Did offender manage to defeat/manipulate restraint device?

Yes

Maneuvered handcuffs from back to front

Slipped handcuffs

Unlocked handcuffs

Other (specify) _____

No

No

8.16 Offender's type of judicial supervision at time of incident

Conditional release, pending criminal prosecution

Probation

Parole

Halfway house

Serving time in penal institution

Escapee from penal institution

Other (specify) _____

None

Unknown

8.17 Was offender known to your department at time of incident?

Yes

Offender was known as (select all applicable)

Controlled substance user

Controlled substance dealer

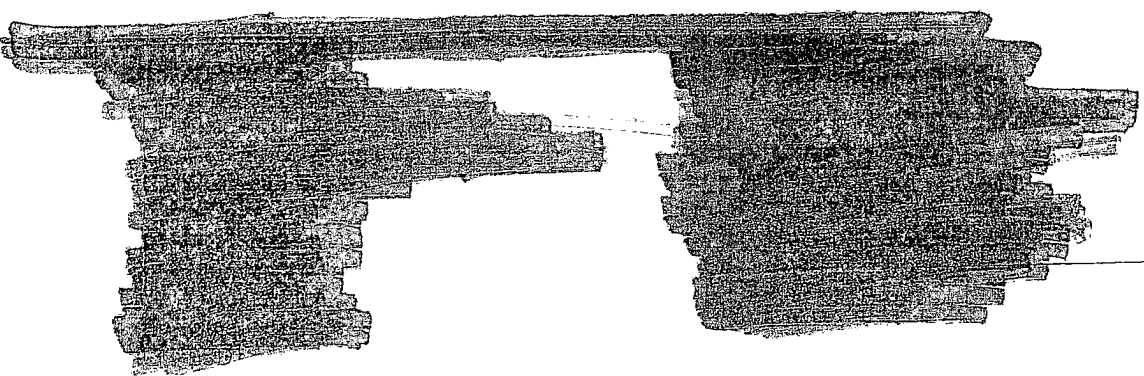
Controlled substance possessor

Known or suspected terrorist (domestic or international)

Known or suspected gang member

Other (specify) _____

No



8.19 Relationship between victim officer and offender at time of incident (select one)

Prior relationship through law enforcement (arrest, investigation, etc.)

Non-law enforcement relationship (neighbor, acquaintance, relative, etc.)

No known relationship

8.20 Offender's judicial history prior to incident (select all applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Previously arrested | <input type="checkbox"/> House arrest |
| <input type="checkbox"/> Conviction as juvenile | <input type="checkbox"/> Incarceration in penal institution |
| <input checked="" type="checkbox"/> Conviction as adult | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Probation | <input type="checkbox"/> None |
| <input type="checkbox"/> Parole | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Halfway house | |

8.21 Offender's prior arrests (select all applicable)

- | | |
|---|--|
| <input type="checkbox"/> Murder | <input type="checkbox"/> Drug law violation |
| <input type="checkbox"/> Assault on law enforcement officer | <input checked="" type="checkbox"/> Other (specify) <u>DWI VTL 1192 SUB 02</u> |
| <input type="checkbox"/> Resisting arrest | <input type="checkbox"/> None |
| <input type="checkbox"/> Other crime of violence | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Weapons violation | |

8.22 Was offender known by your department to have prior mental illness?

- Yes
 No

COPY

1-701 (Rev. 08-17-09)

OMB NO. 1110-0009
Expires 07-31-2014

PART IX - NARRATIVE OF INCIDENT

Please provide a detailed description of the circumstances surrounding the felonious assault or death of the victim officer or attach a copy of the written summation of the initial incident report. Also, if the offender(s) was located or apprehended later, please provide additional details, such as, when, where, and by whom was the offender located. This narrative can provide pertinent details that may be incorporated into officer training programs and are often difficult to capture in a "question and answer" format. The success of our endeavors to prevent further line-of-duty deaths/assaults depends largely on the quality of data obtained from the victim officer's agency.

PLEASE SEE ATTACHED

Prepared by:

Sgt. *[Signature]*

05/08/14
(mm/dd/yyyy)

NOTE: If there are any questions on how to complete this form or where to forward the form upon completion, please contact the FBI, Criminal Justice Information Services Division, Attention: LEOKA program, Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306-0159; telephone (304) 625-3521, or facsimile to (304) 625-3566. Under the Paperwork Reduction Act, you are not required to complete this form unless it contains a valid OMB control number. The form takes approximately one hour to complete.



Johnson City Police Department

Detective Division



LAW ENFORCEMENT SENSITIVE

At approximately 7:01 AM, Monday, March 31st, 2014, suspect James P. Clark DOB 06/12/1970 called Broome County Communications and requested the police at Southern Tier Imaging located at 32 Harrison Street, Johnson City, NY 13790. This facility is located among several buildings on the same block, which make up the United Health Services, Wilson Hospital complex. Clark, when questioned by dispatchers, explained that if someone smuggled a dirty bomb into the country, and attached it to one of the MRI magnets (at the hospital), it will never come off, and people will die. Clark, upon further inquiry, affirmatively stated send the police, people are going to die. Other calls were received by dispatch, subsequent to a male out of control with mental health issues; one of which Clark can be heard in the background indicating he did not have any mental health issues.

Witness reports indicated Clark had secured the front doors to the business which houses the MRI equipment, and would not allow people to enter or leave. Patrolman David W. Smith Jr, an 18 year veteran with detective experience, was dispatched, along with a backup officer Patrolman Louis Cioci, who is a member of the SWAT team. Both responded in marked black and white police cars (separately), wearing full uniform, to the scene. This was reportedly their first call of the shift that morning. Ptl. Smith, who was already on patrol as the early car that morning, arrived on the scene seconds prior to Ptl. Cioci, who responded from the station after hearing the call go out. Ptl. Smith parked slightly past, or south of, the buildings front entrance on the same side of the street as the facility (west side). Ptl. Cioci, parked a distance north of the facility, approximately 75 yards behind Ptl. Smith's police car, on the same side of the street. Ptl. Cioci noted observing numerous people running out of the Southern Tier Imaging building, and around the street; and could not at first see where Ptl. Smith was at. Witness reports indicate that the suspect, James Clark, approached Ptl. Smith's police car from behind, and ambushed Ptl. Smith as Ptl. Smith was attempting to exit the driver side of the police car (which was a 2013 Ford Taurus). Clark, who outweighed Ptl. Smith by approximately 20 pounds, placed himself between the Officer and the door, and repeatedly punched Ptl. Smith in and about the head. Clark, who was left handed, during a very short struggle removed Ptl. Smith's Glock model 22, .40 caliber pistol, from Ptl. Smith's Safriland brand leather snap fasten holster, worn on Ptl. Smith's right side of his duty belt. It should be noted that Ptl. Smith had said duty belt secured with belt keepers; and Ptl. Smith's handcuff case was later found inside the police car, torn off the duty belt. Witness accounts heard Ptl. Smith yell "he's got my gun". Clark fired one round striking Ptl. Smith in the left side of the head, killing Ptl. Smith instantly.

Ptl. Cioci indicated he initially observed Ptl. Smith struggling with Clark, then seeing Ptl. Smith falling backwards to the pavement, and Clark with the gun in his hand. Ptl. Cioci and witnesses report seeing Clark then straddling Ptl. Smith, verbally ranting inaudibly the entire time, point the gun at Ptl. Smith, and firing at least one (possibly more) round at Ptl. Smith's head. Ptl. Smith suffered a second gunshot wound, again to the left side of Ptl. Smith's head. Clark, who it should be noted had military experience in the Marine reserves from February 1990 until August 1995, reportedly began scanning the area after shooting Ptl. Smith the second time. Ptl. Cioci described Clark scanning the area in a manner

similar to how law enforcement and military personnel are trained; only in Clark's case, looking for more victims. Ptl. Cioci gave Clark verbal commands to drop the gun. Clark immediately began to walk and shoot at Ptl. Cioci, who was behind the cover of a cross over type SUV, on the west side of the street. Ptl. Cioci could not immediately return fire due to the amount of civilians in the line of fire. Once Clark was clear, Ptl. Cioci initially fired 10 rounds from approximately 30 yards, striking Clark 6 times in the torso, face, and legs. Clark ultimately emptied Ptl. Smith's weapon, firing at Ptl. Cioci (who was never struck). Upon approaching Clark, who dropped the empty weapon while falling to the ground, climbed back to his knees. Ptl. Cioci maintained his weapon at low ready, and approached Clark, who was notably still ranting and inaudible. Clark immediately grabbed hold of Ptl. Cioci's leg and pulled Ptl. Cioci face down to the pavement. Ptl. Cioci reports Clark was on Ptl. Cioci's back, reaching around the front of Ptl. Cioci with both hands, grabbing at Ptl. Cioci's gun. Ptl. Cioci, while pushing himself off the ground with his left arm (and Clark on his back) reached underneath his own left arm with his pistol and was able to fire one round, striking Clark for the 7th time (in the torso). Clark momentarily let go of the gun, but then continued to fight. Clark again grabbed hold of Ptl. Cioci's gun, while still on top of Ptl. Cioci's back. Ptl. Cioci fired at Clark in the same manner, striking Clark with the 8th and final round (in the torso). Clark continued to fight, again grabbing hold of Ptl. Cioci's gun. This time however, Clark managed to get a finger into the trigger guard, discharging the 13th round from Ptl. Cioci's weapon. This round traveled approximately one block east, and is believed to have been a round that was later recovered in that area. Because of the manner Clark had a hold of the weapon, interfering with the recoil action of the slide, the shell casing stayed in the chamber rendering the gun inoperable; with two live rounds left in the magazine. At this time, a Security Guard from Wilson Hospital, along with one other person, responded to assist Ptl. Cioci who was yelling for help. Ptl. Cioci reports it took all three people to handcuff Clark, who was still fighting, eyes open and ranting the entire time. An ambulance on standby immediately responded into the scene, and began to treat Clark for his injuries. Another responding Officer asked Clark, while Clark was being treated at the scene, where Clark's gun was and what Clark shot the Officer with; noting Clark's response to be [REDACTED] Clark later succumbed to his injuries, in the hospital. The entire incident lasted approximately 5 minutes.

Follow up investigation and autopsy of Clark preliminarily [REDACTED] no PCP, Bath Salts or other designer drugs, nor any physical ailment subsequent to the functioning of his brain. Further testing for other drugs and narcotics is ongoing. It was equally revealed Clark was in some type of minor property damage motor vehicle accident the morning of March 31st, 2014, possibly providing another mechanism for what went wrong with Clark that day. Interviews and follow up with Clark's family, friends, neighbors and co-workers described Clark as a university educated MRI Technician, a good family man, good employee, and an otherwise upstanding citizen from a small upstate NY community where he was born. Clark left for work leaving no indications anything was wrong, said goodbye to his wife, reminding her that school was on a two hour delay; and traveled approximately 40 minutes to work where he murdered Ptl. Smith. Ptl. David W. Smith Jr left behind a wife and an 11 year old son.



Broome County Sheriff's Office
Investigative Report
BCSO Case # 2013-XXXX
Associated Case #

Case Information

Assigned Officer: ML Stebbins
Offense Date/Time: 03/31/14 @ 08:30
Offense Location: Harrison St. Johnson City
Offense Type: Homicide

On above date and time, I received a call from the Undersheriff, A. Minor, requesting that I assist Binghamton Police Department at a scene of an officer involved shooting. He stated JCPD Officer DW Smith had been fatally shot and BPD investigators were currently on their way to the scene to process it. I contacted Inv. Demer on her cell phone and advised her I was on my way. She advised me to meet them on Harrison St. in Johnson City near Wilson Hospital. I responded to HP to retrieve gear and a vehicle and arrived on scene to meet with Demer and Inv. Griffin.

Once on scene, I assisted Inv. Demer with locating and flagging evidence located on the roadway and nearby areas. A short time later, Griffin and Demer were advised that an autopsy was to be performed on Officer Smith and one of them would have to attend. I volunteered to attend the autopsy with Griffin. Demer continued to process the scene with NYSP FIU members who were there to assist.

I assisted Griffin during the post mortem exam of Smith by taking notes and assisting with the collection of evidence (see Griffin's report for details). Once this was complete, another post mortem exam was scheduled for Clark, which I again assisted Griffin.

04/01/14

On above date, I responded to the BPD Impound located on West St. in Binghamton to assist Inv. Demer in processing Smith's patrol vehicle, which was damaged during the exchange of gunfire. I took notes, assisted her in the collection of evidence, and the measurements of the damage to the vehicle (see Demer's report for details).

ML Stebbins
Evidence Technician



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT
TF CASE # 2014-31T
ASSOCIATED CASE- JCPD # 2014-2598

Officer Assigned: Det. Sgt. Matthew Cower
Offense Date/Time: March 31, 2014 at 0703 hours
Offense Location: Harrison Street, Village of Johnson City
Offense Type: Assist Agency

On the morning of March 31, 2014 I was contacted by Captain Akshar of the Broome County Sheriff's Office and was notified of an officer involved shooting in which JCPD Officer D.W. Smith was shot and killed in the line of duty. I then responded to the Johnson City PD to assist in the investigation. While enroute I called in the following detectives to have them also assist in the investigation; Det. Clapp, Det. Sakowsky, Det. Kittle, Det. Sienko and Det. Browne. I arrived at JCPD and met with JCPD Det. Sgt. Hozempa and other officers and was briefed on the incident. I was then assigned to respond to the suspect's residence located at [REDACTED]. I made arrangements for the following personnel to also respond to the suspect's residence; Det. Clapp, Det. Sakowsky, Det. Kittle, Det. Sienko, Det. Browne and Dep. Kelly. I arrived at the suspect's residence at approximately 0955 hours. Chenango County Sheriff's Office Sgt. Ellingsen and Dep. Messina were already inside the residence. I spoke to the suspect's wife, [REDACTED] (D.O.B. [REDACTED]), and the suspect's father, [REDACTED] Clark (D.O.B. [REDACTED]), who were present in the residence upon my arrival. [REDACTED] made statements that her husband, James Clark, did not have any type of mental health history, nor did he ever have a history of violence. I asked that they accompany two of our detectives to JCPD so that they could be interviewed. They agreed to go to JCPD, but insisted that they drive themselves there. [REDACTED] and [REDACTED] were already aware that a search warrant was being obtained to search the residence. They both stated that officers could remain inside the residence while waiting for the search warrant. Det. Kittle and Det. Sienko accompanied [REDACTED] and [REDACTED] to JCPD. I then advised Captain Akshar that [REDACTED] and [REDACTED] were enroute to JCPD to be interviewed.

I then stood by in the residence while a search warrant for the residence was drafted. I instructed Det. Browne to start a log of all officers who were present on

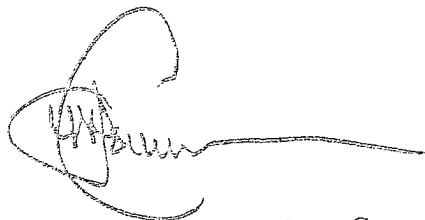
scene or within the residence. See Det. Browne's scene log for further details. Chenango County Sheriff's Office Undersheriff Frair and Lt. Cobb arrived at the residence a short time later, as did NYSP Inv. Koop and Inv. Schreiber. After learning that the suspect had made threats of bombs being inside his place of employment at Southern Tier Imaging in Johnson City earlier that morning, I instructed all personnel to wait outside the residence until bomb technicians could render the house safe. All law enforcement personnel did vacate the residence at that time. Law enforcement personnel were then assigned to complete a neighborhood canvass for any information pertaining to the suspect within a one block radius surrounding the residence. Law enforcement personnel did stand by on scene until NYSP bomb technicians arrived and the search warrant was obtained. Additional law enforcement personnel arrived on scene while waiting for the search warrant.

Once the search warrant was obtained, the residence was checked for any bombs or explosive materials by NYSP bomb technicians. Law enforcement personnel did then enter the residence and were given assignments to search the residence for any items listed on the warrant. NYSP were assigned the task of securing photographs and collecting evidence.

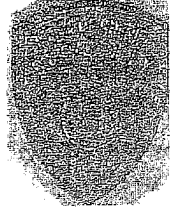
During a search of the residence, I located the following items that were taken as evidence;

- In the living room hutch, near the front door to the residence, in the bottom center drawer, I located a Verizon flip phone in the box with the charger,
- In the same living room hutch, in the top center drawer, I located a Kodak Fun-Saver disposable camera, a DXG, HD video camera and two SD camera cards,
- In the living room, to the right of the couch, between the couch and fireplace, on an end table, I located two black I-pads. One I-pad had a pink edge protector and was in a black case. The other I-pad had a black edge protector and was in a maroon/pink case. This case also held [REDACTED] business cards.

All items seized as evidence were photographed before being secured by NYSP. All law enforcement personnel secured from the residence at 1645 hours. The house was locked upon our exit. I then departed the scene and returned to JCPD.



Det. Sgt. Matthew Cower



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT
TF CASE # 2014-31T
Associated Case – JCPD #14-2598

Officer Assigned: Detective T. Sienko #391
Offense Date/Time: 03/31/14 @ 0703hrs
Offense location: Harrison Street, Village of Johnson City
Offense Type: Assist Agency

At approximately 0838hrs on the above date I was notified by Detective Sergeant Cower via phone that Johnson City Police Officer D.W. Smith was shot and killed in the line of duty while responding to a call. Detective Sergeant Cower requested that I respond to the Johnson City Police Department to assist in the investigation, stating I would receive my assignment upon arrival. Upon arrival at the Johnson City Police Department Detective Sergeant Cower advised that members of the Task Force would be going to [REDACTED] to speak with the suspect, James Clark's family. I then rode with Detective Sergeant Cower to [REDACTED] and upon arrival there were 2 Chenango County Sheriff's Deputies already on scene and inside the residence.

I went into the residence with Detective Sergeant Cower and stood by as he spoke with [REDACTED] James' wife and [REDACTED] James' father. After speaking with them they agreed to go to the Johnson City Police Department to speak with investigators, however they were adamant that they wanted to provide their own transportation as they didn't wish to ride in an unmarked Police vehicle. Detective Sergeant Cower assigned Detective Kittle and I to accompany them to the Johnson City Police Department. Detective Kittle and I drove in Detective Kittle's car with the Clark's following us in their own vehicle.

Upon arrival at the Johnson City Police Department Captain Akshar met us and instructed me to escort [REDACTED] into an interview room to which I did. Detective Kittle escorted [REDACTED] into a separate interview room. After doing so, Captain Akshar instructed Detective Kittle and I to respond back to [REDACTED] to assist in a canvass of the neighborhood. Upon arrival back to [REDACTED] I paired with Detective Sakowsky and we spoke with several neighbors. We spoke with [REDACTED] the resident of [REDACTED]

[redacted] stated that James Clark was a family guy who he had participated in summertime barbeques with. [redacted] stated that James always appeared calm and collected and he never saw him loose his temper. [redacted] stated that he knew James to be an occasional consumer of alcoholic beverages and he didn't know James to have a drug problem or history. [redacted] was unaware of any financial or marital problems with James and his wife. Detective Sakowsky and I then spoke with [redacted] residents of [redacted] advised he didn't know James and [redacted] stated that she had never dealt with James. Both [redacted] stated that they never observed anything unusual occurring at [redacted] After completing these interviews we notified Detective Sergeant Cower of our findings.

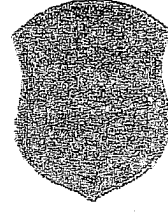
At that point I remained outside the residence of [redacted] with other Task Force members and various investigators, waiting for the arrival of the signed search warrant. Once the search warrant was in hand I was assigned to assist in searching the basement of the above residence and the back shed area. I also searched the garbage in the two garbage cans inside the garage. During the search I located the following items:

[redacted]

I then notified State Police Investigator Ryan of my findings and they evidence was later collected. After the search was complete I exited the residence and was given no further assignments.

Detective T. Sienko #391

Detective T. Sienko #391



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT

TF CASE # 2014-31-T

Associated Case- JCPD # 2014-2598

Officer Assigned: Det. Edward C. Sakowsky #284 *ES*

Offense Date/Time: March 31, 2014 @ 0703hrs

Offense location: Harrison Street, Village of Johnson City

Offense Type: Assist Agency


On the morning of March 31, 2014 I was contacted by Det./Sgt. Cower and notified of an officer involved shooting in which JCPD Officer D.W. Smith was shot and killed in the line of duty in the Village of Johnson City. Det./Sgt. Cower requested for me to respond to JCPD to assist with the investigation. Prior to my arrival I was re-contacted by Det./Sgt. Cower and instructed to meet with him and other personnel in the area of the Chenango Forks Fire Station as we had been tasked with responding to the location of [REDACTED]

[REDACTED] Said residence belongs to the suspect in said incident James Clark with his family presently at the residence. Upon our arrival two Chenango County Sheriff's Deputies were on scene and with the family members Jennifer Clark (wife) and Jon Clark (father). Det. Sienko and Det. Kittle then did escort both subjects to JCPD for interviews as the remainder of personnel stood by awaiting for a search warrant to search the residence.

While awaiting the search warrant personnel then did assist with canvassing the area and interviewing neighbors. I did team with Det. Sienko at which time we did speak with several neighbors in the area of [REDACTED]. Refer to Det. Sienko's narrative for further information on interviews and locations. Myself and Det. Sienko then did report back to Det./Sgt. Cower and inform him of our findings.

Personnel including myself then did await outside of [REDACTED] for the signed search warrant for the location. Prior to searching the location NYSP bomb personnel did clear the location and deem it safe. I then was tasked with searching the basement, shed and garage area of the residence. While searching these areas I did locate the following items:

[REDACTED]



I did notify NYSP evidence tech of the items I had located at which time the items were photographed and collected by NYSP evidence tech and secured as evidence.

No further evidence located by myself at this time. After securing from the residence I did respond back to JCPD to await any further assignments.

No further assignments received or assistance rendered.

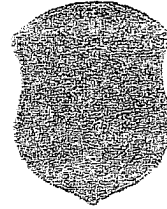
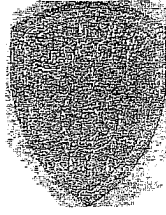
Det. Edward C. Sakowsky #284



Case:14- 31T

32 Harrison Ave

March 31, 2014



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT
TF CASE # 2014-31T
ASSOCIATED CASE JCPD #14-2598

Officer Assigned: Detective Brian K. Kittle
Offense Date/Time: March 31, 2014 @ 07:03
Offense location: 32 Harrison Ave. V/O Johnson City
Offense Type: Assist Agency

On the above date I was working with the Broome County Task Force and assigned to assist JCPD with the death of Officer D.W. Smith at the above location. As Part of the investigation I was assigned to go to [REDACTED] his location is the residence of James Clark who is the suspect in the death of Officer Smith. I responded to the location and upon arrival I was advised by Det/Sgt Cower to escort James wife, Jen Clark and his father to the JCPD to be interviewed by detectives. Det. Sienko and I lead the way to JCPD while they followed in a vehicle. Upon arrival to JCPD Det. Sienko and I escorted them to interview rooms where they were questioned. Det. Sienko and I returned to [REDACTED] and waited for the search warrant for the residence to be completed and signed. While waiting myself and others were tasked to canvass the neighbors. Dep. Kelly and I went to [REDACTED] and spoke with [REDACTED] and [REDACTED]. Also present was [REDACTED] who resides at [REDACTED]. They all described James as easy going and fun loving and could not believe that he committed this act. They all stated that they enjoyed having him as a neighbor. According to [REDACTED] he believed that James used to drink heavy but that he doesn't anymore and that he may have done a tour in the Middle East in the first Gulf War with the Army. The last time they had seen James was when [REDACTED] had seen him leave at 6:00am in his silver grand am that morning, or what she believed to be a grand am. Holly did advise me that her neighbor, [REDACTED] who resides at [REDACTED] was not home but while waiting for the search warrant her husband, [REDACTED] arrived. I spoke to him and he stated that he had not had much contact with James and described him as what he would say is a "lonely guy". [REDACTED] did give a phone number to speak with his wife and I called her. While speaking with [REDACTED] she stated that she had nothing definitive but said that James was always a friendly neighbor and a terrific father but over the past few months she noticed a "shocking change in his behavior". She stated that when walking the dog he would start putting his hood up over his head and would not say

Case:14- 31T

32 Harrison Ave

March 31, 2014

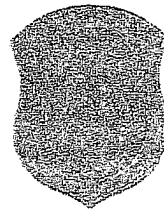
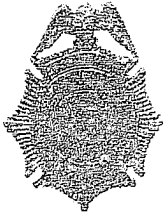
hi She said that he became quiet and unfriendly. In her mind she wondered if James was on drugs. When I asked [REDACTED] when this behavior started she could not give a time frame but stated it was after they got their dog.

Shortly after speaking with [REDACTED] the search warrant for the residence arrived. During the execution of the search warrant I was assigned to search the basement with Det. Sakowsky, Det. Sienko and Det. Clapp. During the search I located [REDACTED] [REDACTED] that were sealed and expired in April 2010. They were located banded together by a rubber band and on a shelf in the unfinished part of the basement. I pointed this out to Lt. Surace and NYSP Evidence tech Steve Anderson. I did not locate any further evidence at the scene. After the search was completed I returned to JCPD.

No further actions taken by me at this time.

Det. 

Detective Brian K. Kittle #396



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT
TF CASE # 2014-31T
ASSOCIATED JCPD CASE # 2014-2598

Officer Assigned: Detective Daniel Browne
Offense Date/Time: March 31, 2014 @ 0703 hours
Offense location: Harrison Street, Village of Johnson City
Offense Type: Assist Agency

On the morning of March 31, 2014 Det. Sgt. Cower contacted me via phone and notified me of an officer involved shooting in which JCPD Officer D.W. Smith had been killed in the line of duty. I was further advised that the suspect was in custody and being treated for gunshot wounds at Wilson Hospital. I was then directed to meet Det. Sgt. Cower and other task force members at the Chenango Forks fire station after which we would respond to the suspect's residence [REDACTED] for an assignment.

We arrived at the residence at approximately 0955 hours and were met by Sgt. Ellingsen and deputy Messina of the Chenango County Sheriff's Office, who had been on scene since approximately 0806 hours. Det. Sgt. Cower advised the family that a search warrant for their residence was being obtained and made arrangements for them to respond to the Johnson City Police Department for interviews.

I was assigned to create a log of all personnel on scene and I maintained said log until the scene was cleared by law enforcement. The scene log documents all personnel who entered the residence as well as those who were "on scene," but remained outside. I later created a typed version of the log in a condensed format that still contained all the information of the original hand written log. See these logs for further details; both versions were submitted with this report.

After a copy of the search warrant arrived, members of the New York State Police Bomb Disposal Unit entered the residence, due to information that had developed which indicated the suspect may have made threats or comments regarding explosives at the Johnson City scene. Once the NYSPBDU had determined the scene was safe evidence and search members were systematically deployed into the residence.

The search concluded at approximately 1618 hours at which time search members exited the house. Exit photographs and evidence removal were then completed by NYSP Investigators. At 1645 hours the residence was locked and all personnel cleared the scene. I then responded to JCPD. No further action taken.

Daniel Browne
Detective Daniel Browne #296

BCSIUTF # 14-311
JCPD # 14-2598

March 31, 2014 [REDACTED] Street Town of Greene, Chenango County, New York

<u>Officer's Name</u>	<u>Dept</u>	<u>On Scene/Street/In Area</u>		<u>Residence</u>	
		<u>Time On Scene</u>	<u>Time Left Scene</u>	<u>Time In</u>	<u>Time Out</u>
Sgt. Ellingsen	CCSO	8:06*	15:00	8:06	11:25
Det. Messina	CCSO	8:06*	15:30	8:06	11:25
Det. Browne **	BCSO	9:55	16:45	9:55/14:15	11:25/16:45
Det. Sgt. Cower	BCSO	9:55	16:45	9:55/14:17	11:25/16:45
Det. Sienko	BCSO	9:55/11:30	10:10/16:45	9:55/14:15	10:10/16:18
Det. Sakowsky	BCSO	9:55	16:45	9:55/14:15	11:25/16:18
Det. Kittle	BCSO	9:55/11:30	10:10/16:45	9:55/14:15	10:10/16:18
Dep. Kelly	BCSO	9:55	14:13	9:55	11:25
U.S. Frair	CCSO	10:10	11:30	10:10	11:25
Lt. Cobb	CCSO	10:15	11:30	10:15	11:25
Det. Clapp	BCSO	10:36	16:35	10:36/14:15	11:25/16:18
Inv. Koop	NYSP	11:10	16:26	11:10/14:17	11:25/16:18
Inv. Schrieber	NYSP	11:10	16:26	11:10/14:17	11:25/16:18
Inv. Burns	BPD	11:20	14:13	11:20	11:25
Inv. Burnett	BPD	11:20	14:13	11:20	11:25
Inv. Gazdik	BPD	11:20	14:13	XXXX	XXXX
Inv. Brady	BPD	11:20	14:13	XXXX	XXXX
Inv. R. Wood	BPD	11:30	14:13	XXXX	XXXX
Inv. A. Miller-Wood	BPD	11:30	14:13	XXXX	XXXX
Trp. T.K. Becker	NYSP	11:52	16:20	XXXX	XXXX
Inv. Fran	NYSP	12:00	16:34	XXXX	XXXX
Inv. Tocheny	NYSP/ElcTech	12:11	16:40	14:22	16:40
Sgt. Layman	NYSP	12:20	14:20	XXXX	XXXX
Inv. DeAngelo	BPD	12:45	16:35	14:15	16:18
Lt. Surace	BPD	12:45	16:35	14:17	16:18
Capt. Barnes	NYSP	13:10	14:15	XXXX	XXXX
Maj. Faughnan	NYSP	13:10	14:15	XXXX	XXXX
Trp. Dow	NYSP/BDU	13:10	16:20	13:40	16:18
Trp. Cardinal	NYSP/BDU	13:25	16:20	13:40	16:18
Inv. Anderson	NYSP/Ev Tech	13:30	16:45	13:40	16:45
Inv. Sgt. Creagh	BPD	13:33	16:20	14:17	16:13
Inv. Maroney	BPD	13:33	16:20	14:17	16:18
S.A. Maxwell	ATF	13:40	16:20	XXXX	XXXX
S.A. Johcas	ATF	13:40	16:20	XXXX	XXXX
S.A. Carwell	ATF	13:40	16:20	XXXX	XXXX
S.A. Stocklas	ATF	14:07	16:20	XXXX	XXXX
S.A. Young-Choi	ATF	14:07	16:20	XXXX	XXXX
S.A. Acquavella	FBI/BT	14:07	16:20	XXXX	XXXX
Inv. Allen	NYSP/ Ev Tech	14:30	16:45	14:35	16:45

** Log maintained by BCSO Det. Browne. *CCSO on scene time per their communications center



BROOME COUNTY SPECIAL INVESTIGATIONS UNIT TASK FORCE

INVESTIGATIVE REPORT
TF CASE # 2014-0031T
Associated Case # JCPD 14-2598

Officer Assigned: Detective Clapp
Offense Date/Time: 03/31/2014 – 1000 hours
Offense location: [REDACTED]
Offense Type: Assist Other Agency

03/31/2014

On the above date, I was contacted at my residence by Detective Sgt. Cower and asked to respond in to assist with the investigation of an officer killed in the line of duty. Detective Sgt. Cower requested I respond to [REDACTED] to assist with a search warrant at the location. I responded to the location as requested and waited for my assignment from Detective Sgt. Cower. While at the location, members of the Task Force were assigned to conduct a neighborhood canvass in an attempt to determine the state of mind of the shooting suspect, James Clark.

I checked the residences located at [REDACTED] as well as [REDACTED] and found no one home. I located [REDACTED] at [REDACTED] who stated she never noticed anything out of the ordinary with Clark. I spoke with [REDACTED] who stated he did not really interact with Clark but never knew him to be a problem. [REDACTED] stated Clark was always friendly when he walked his dog through the neighborhood and never knew him to be a problem. [REDACTED] stated the same as everyone else interviewed. She was unaware of any problems with Clark and what little she knew of him she knew to be pleasant. [REDACTED] stated she has never had any interaction with Clark and did not know him.

I completed my neighborhood canvass and then assist the New York State Police Forensic Identification Unit with the search of the residence. I was assigned to search the basement of the residence along with Detectives

Kittle and Sakowsky. While searching the downstairs washroom, I located a silver gun case that contained an unknown type long gun. I advised Investigator Anderson of the item and it was photographed and collected by a member of the New York State Police Forensic Identification Unit. I found no other items of evidentiary value while searching the residence.

No further action taken.

Clapp 339

Clapp 339

Lead #

97

ORIGINAL

Case # 14-08886
Inghamton Police Department
Crime Scene Unit Supplement
32 Harrison St. JC NY 13790
x-ref JCPD 14-02598

4/1/2014 @ 10:00

Vehicle Processing. On the above date I responded to the West Street garage with Broome County Evidence Technician M. Stebbins. We began the documentation and examination of JCPD police vehicle #712. Photos are taken of the vehicle throughout the processing. The vehicle is a black and white Ford Police Interceptor with VIN # 1FAHP2L83DG169797. The rear window is broken out and there is a projectile hole in the rear driver's side door. No other damage is noted.

An inventory of the interior is as follows:

Drivers Front Door Pocket- Set of keys, tuning forks, hand sanitizer, calendar, garbage, radar remote, chalk, change, metal clip, wrappers, pens and a sharpie.

Driver's Seat- Handcuff case w/ cuffs (Case is ripped and dirty), olive green knit cap (floor); food scraps and garbage under seat.

Drivers Side Visor- Officer daily activity sheets

Passenger Front Door Pocket- DIR booklet, accident report book, incident maintenance sheet, and misc garbage.

Passenger Front Seat – Uniform hat containing (money clip wallet with cash and credit cards, can of chew, Sprint cell phone, phone charger, loose change, pen, battery charger, thumb drive, pair of gloves, handcuffs, JCPD knit hat), Dollar General Bag containing (3 Atkins meal bars, Millville meal bar, string cheese, beef jerky) Raincoat black and orange short style, and a Nylon laptop case with misc police paperwork.

Mounted Between Seats – Flashlight

Passenger Side Dashboard- Blue pen

Glove box- Portable breathalyzer, misc police equipment

Passenger Front Floor- Defibrillator in case

Passenger Rear Seat- Broken glass fragments and expended projectile.

Under Front Passenger Seat – expended projectile (accessible from the back seat)

Drivers Side Rear Floor- glass fragments and expended projectile.

Rear Window Area- Projectile wedged between rear top of seat and molded rear window panel.

Trunk- Box of flares, door opening tool, black plastic bin with misc police equipment (raincoat, traffic vest, first aid pouch, paperwork, crime scene tape, tape measure, tarp, PPE, raingear, lollipop, spare tire, empty water bottle).

Items collected are listed on a Binghamton Police Department Case Report which is made part of this report.

The rear window area is examined and there appear to have been two projectile holes. The glass has mostly fallen out due to transport. The projectile path was reconstructed and measured at 5-10 degrees in a downward angle. It travels through the window, through the molded window piece and through the rear seat. The second projectile appears to have traveled through the window and strikes the molded rear window.

The projectile path in the driver's side passenger door is reconstructed. It measures 30 1/2" to 31" up from the ground. It travels in a front to back direction and is 0 to 5 degrees at an upward angle.

The driver's seat interior of the vehicle is examined for any possible blood evidence. A small dark colored spot was observed on the seat. A presumptive test was conducted and was negative. No other areas were observed.

Cleared from the scene at 13:20. The vehicle was secured in the garage until it was returned to JCPD on 04/07/2014.

Inv A.H. Demer