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**Involved Member(s):**

Trooper James E Huestis

**Case Type:** Personnel Complaint

**Case Number:** DCN2019-0203

**Finding:** Founded

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**Complainant:** [REDACTED]

Personnel Complaint Work Sheet				Case Number		
Type: Personnel		Sub Type:		Incident Date: 5/26/19	Incident Time: 6:30 pm	
Initiated By: <input type="checkbox"/> C = Citizen <input checked="" type="checkbox"/> S = NYSP			CTV: K1424	Detail or Troop K	Level of Investigation 3	
Mode Received	<input type="checkbox"/> EMail	<input type="checkbox"/> Fax	<input checked="" type="checkbox"/> In Person	<input type="checkbox"/> Letter	<input type="checkbox"/> Phone	<input type="checkbox"/> Survey
Synopsis of Complaint: During an investigation of an injury to person while in custody, a review of video footage revealed Trooper James E. Huestis, SP Wappinger, my have used excessive force while removing an emotionally disturbed person from a residence.						
<b>Subject(s) of Complaint</b>						
Employee ID #	Last Name		First Name	MI	EOD	Maiden Name
[REDACTED]	Huestis		James	E	4/21/08	
<b>Complainant Information (if Member see below)</b>						
Name		Address		City & State	Zip Code	
Home Phone		Work Phone		Cell Phone		
<b>Member Information (if complainant)</b>						
Employee ID #	Rank/Name				TZS	
[REDACTED]	Captain Paul M. DeQuarto				K200	
<b>Administrative Notification Information – Dates are required – Times are desirable</b>						
<b>Receiving Member</b>						
Employee ID #	Rank/Name			Date	Time	
[REDACTED]	Sergeant Lawrence A. Puccio			5/28/19		
<b>Troop Notification</b>						
Employee ID #	Rank/Name of Member at Troop Notified			Date	Time	
[REDACTED]	Major Richard L. Mazzone Jr.			6/14/19	11:15am	
Employee ID #	Rank/Name of Member Notifying Troop			Date	Time	
[REDACTED]	Captain Paul M. DeQuarto			6/14/19	11:15am	
<b>Division Notification</b>						
Employee ID #	Rank/Name of Member at Division (or Duty Officer) Notified			Date	Time	
[REDACTED]	Staff Insp. Robert C. Gregory			6/14/19	1:00pm	
Employee ID #	Rank/Name of Member Reporting Complaint to Division			Date	Time	
[REDACTED]	Major Richard L. Mazzone Jr.			6/14/19	1:00pm	
Employee ID #	Rank/Name of Investigating Member			Date	Time	
[REDACTED]	Lieutenant Peter B. Healey			6/18/19		

Some fields have a built-in Help feature that will work when opened with Word. With the cursor on the field, you may click F1 to invoke Help or check the status bar on the lower left for tips on data entry.

**PROFESSIONAL STANDARDS BUREAU  
PERSONNEL COMPLAINT TRACKING**

DCN: 2019-0203	CTV: K1424	REGION: <u>SRO</u>	LEVEL: 3	TYPE: Personnel Complaint
<b>Subject(s): Trooper James Huestis</b>				
Investigated by: Lieutenant Peter B. Healy			Troop or Detail: K	
Staff Inspector: Robert C. Gregory			Date Occurred: 05/26/19	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				

**ALLEGATION: Excessive Force**

**SYNOPSIS:** 06/14/19 review by Zone Supervisors of video footage from an injury to prisoner while in custody administrative investigation revealed the defendant's injury occurred as the result of excessive force used by Tpr Huestis.

Investigation revealed Tpr Huestis responded with other Members to assist V/Wappingers PD with an MHL armed with a knife. The subject was located hiding in the residence; he was taken into custody and handcuffed behind his back. He was resistant/belligerent while being escorted from the house. After descending the porch stairs, an attempt was made by the 3 Police Officers holding/escorting him to have him sit on the stairs. Tpr Huestis was not one of the three Police Officers escorting/holding the prisoner. As they attempted to guide/pull the prisoner back/down to sit, Tpr Huestis approached the prisoner from the front. As he was facing the prisoner, he leaned in, bending down to help seat the prisoner. The prisoner's head moved forward and he spit in Tpr Huestis' face. Tpr Huestis reflexively/instinctively punched the prisoner in the face, injuring the prisoner's nose and injuring his own hand. Although the one strike was immediate/instinctive/reflexive in response to the physical/aggressive actions of the prisoner while Tpr Huestis was in a vulnerable position, he struck a handcuffed prisoner who was being restrained by 3 other Police Officers.

Major Richard L. Mazzone, Troop K Commander, recommended this Personnel Complaint be closed as Founded, with Tpr Huestis violating:

- Reg 8A2, specifically Article 31B4 for using more force than necessary;
- Reg 8D1(2) for engaging in improper conduct toward a prisoner;
- Reg 8A8(2) for bringing discredit to the Division.

Staff Inspector Robert C. Gregory discussed this at length with Major Mazzone, and concurs with the findings.

Finding of Investigation: <input checked="" type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation			
Recommended Level of Adjudication: <input checked="" type="checkbox"/> Troop Level <input type="checkbox"/> Division Level			
Adjudicated at Troop <input type="checkbox"/>	Date:	Disposition:	
Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau: 01/30/20 – RCG.			
Assistant Deputy Superintendent – Professional Standards Bureau		Date: 2/12/20	

Comments: [REDACTED]

Finding of Investigation: <input checked="" type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation			
Recommended Level of Adjudication: <input type="checkbox"/> Troop Level <input checked="" type="checkbox"/> Division Level <span style="float:right">MSR</span>			
Date Forwarded to Deputy Superintendent – Professional Standards Bureau			
Deputy Superintendent – Professional Standards Bureau		Date: 2/12/2020	

Comments: [REDACTED]

<input checked="" type="checkbox"/> Division Level Recommended <input type="checkbox"/> Troop Level Recommended	
Date Forwarded to First Deputy Superintendent:	
First Deputy Superintendent	Date:
Direction:	

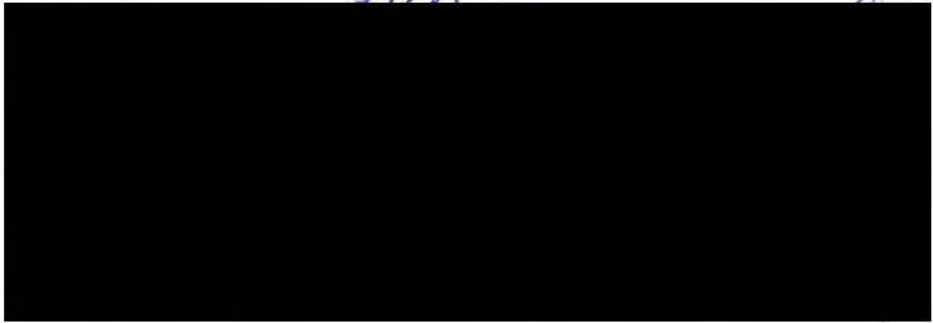
*R*

20.57



<input type="checkbox"/> Troop Level—Return to Chief Inspector	<input checked="" type="checkbox"/> Division Level -- Forward to Division Counsel
Date Forwarded to Counsel or the Chief Inspector:	
<input type="checkbox"/> Troop Level	Rank/Name of Member Notified _____
Date Notified: _____ Notified by Whom: _____	

7 4 days Swap  
LOC. 2003  
2/12/20







**State  
Police**

**ANDREW M. CUOMO**  
Governor

**KEVIN P. BRUEN**  
First Deputy Superintendent

March 2, 2020

Trooper James E. Huestis  
New York State Police  
Troop K  
Poughkeepsie, New York

Re: DCN: 2019-0203

LETTER OF CENSURE

NOTICE OF SUSPENSION

Dear Trooper Huestis:

On May 26, 2019, you and other State Police members assisted the Village of Wappingers Falls Police Department with a complaint involving a male armed with a knife who refused to leave his parents' residence. The individual, who was intoxicated and combative, was taken into custody under Mental Hygiene Law §9.41 and restrained with handcuffs. Another Trooper and Wappingers Falls Police Officer escorted this individual from the residence, followed behind by a Dutchess County Deputy Sheriff. You approached this individual, who was uncooperative while exiting the residence, from the front in an attempt to assist the other officers with his removal from the residence. As you leaned forward toward the arrestee, he spat in your face causing you to reflexively hit him, which resulted in an injury to his nose.

Although the amount of force you used against this individual was a direct result of him unexpectedly spitting in your face, your response to his behavior was unacceptable.

Accordingly, you are hereby formally censured. You are also suspended without pay for two (2) days, March 23, 2020, and March 24, 2020.

Sincerely,

Kevin P. Bruen  
First Deputy Superintendent

NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: February 20, 2020

To: Trooper James E. Huestis, Troop K  
New York State Police, Poughkeepsie, New York

From: First Deputy Superintendent Kevin P. Bruen <sup>9/150</sup>

Subject: PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities on May 26, 2019.

On that date, you and other State Police members assisted the Village of Wappingers Falls Police Department with a complaint involving a male armed with a knife who refused to leave his parents' residence. The individual, who was intoxicated and combative, was taken into custody under Mental Hygiene Law §9.41 and restrained with handcuffs. Another Trooper and Wappingers Falls Police Officer escorted this individual from the residence, followed behind by a Dutchess County Deputy Sheriff. You approached this individual, who was uncooperative while exiting the residence, from the front in an attempt to assist the other officers with his removal from the residence. As you leaned forward toward the arrestee, he spat in your face causing you to reflexively hit him, which resulted in an injury to his nose.

Although the amount of force you used against this individual was a direct result of him unexpectedly spitting in your face, your response to his behavior was unacceptable.

I find reasonable cause to believe that your conduct violated Regulations of the State Police, including Regulation 8A2.

It is my judgment that you be suspended without pay for <sup>TWD 2</sup> four (4) days and formally censured.

Rule 3.5 of the New York State Police Administrative Manual sets forth the procedures you are to follow.

**FIRST ENDORSEMENT**

**TO:** Major Michael J. Drake, Troop K  
New York State Police, Poughkeepsie, New York

**FROM:** Trooper James E. Huestis, Troop K *JAH*  
New York State Police, Poughkeepsie, New York

**DATE:** FEBRUARY 28, 2020

**SUBJECT: PERSONNEL INVESTIGATION**

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.
- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

**SECOND ENDORSEMENT**

**TO:** First Deputy Superintendent Kevin P. Bruen

**FROM:** Major Michael J. Drake, Troop K  
New York State Police, Poughkeepsie, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Forwarded for appropriate action.



NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: February 20, 2020

**To:** Trooper James E. Huestis, Troop K  
New York State Police, Poughkeepsie, New York

**From:** First Deputy Superintendent Kevin P. Bruen *AKO*

**Subject:** PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities on May 26, 2019.

On that date, you and other State Police members assisted the Village of Wappingers Falls Police Department with a complaint involving a male armed with a knife who refused to leave his parents' residence. The individual, who was intoxicated and combative, was taken into custody under Mental Hygiene Law §9.41 and restrained with handcuffs. Another Trooper and Wappingers Falls Police Officer escorted this individual from the residence, followed behind by a Dutchess County Deputy Sheriff. You approached this individual, who was uncooperative while exiting the residence, from the front in an attempt to assist the other officers with his removal from the residence. As you leaned forward toward the arrestee, he spat in your face causing you to reflexively hit him, which resulted in an injury to his nose.

Although the amount of force you used against this individual was a direct result of him unexpectedly spitting in your face, your response to his behavior was unacceptable.

I find reasonable cause to believe that your conduct violated Regulations of the State Police, including Regulation 8A2.

It is my judgment that you be suspended without pay for four (4) days and formally censured.

Rule 3.5 of the New York State Police Administrative Manual sets forth the procedures you are to follow.

**FIRST ENDORSEMENT**

**TO:** Major Michael J. Drake, Troop K  
New York State Police, Poughkeepsie, New York

**FROM:** Trooper James E. Huestis, Troop K  
New York State Police, Poughkeepsie, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.
  
- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

**SECOND ENDORSEMENT**

**TO:** First Deputy Superintendent Kevin P. Bruen

**FROM:** Major Michael J. Drake, Troop K  
New York State Police, Poughkeepsie, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Forwarded for appropriate action.

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station HeadquartersDate November 8, 2019

**To: Deputy Superintendent Patrick J. Regan, Professional Standards Bureau**

**From: Major Richard L. Mazzone, Troop Commander, Troop K RLM**

**Subject: COMPLAINT AGAINST PERSONNEL #20190203  
TROOPER JAMES E. HUESTIS, EOD 4/21/08, SP WAPPINGER**

Reference is made to attached NYSP Cover Page Report of Lieutenant PETER B. HEALY and cover memorandum of Captain PAUL M. DEQUARTO, both dated November 4, 2019 and concerning titled subject.

I have reviewed the report and discussed the contents of same with Captain DEQUARTO, Zone 2 Commander, and I concur with the report findings.

On May 26, 2019, while assisting the Village of Wappinger Falls Police Department with the arrest of a 40-year-old intoxicated male, who was resisting arrest, Trooper JAMES J. HUESTIS injured his right hand after striking the defendant, Mr. [REDACTED] with a closed fist causing a broken nose. Sergeant LAWRENCE A. PUCCIO was assigned to conduct the On-duty Injury and Injury to Person in Custody investigations. After review of Village of Wappinger Falls Police Officer's bodycam footage, the Injury to Person in Custody investigation was changed to an excessive force complaint.

Investigation revealed that on May 26, 2019, Trooper HUESTIS responded to a residence in the Village of Wappinger Falls to assist police with a man armed with a knife or gun. The suspect was taken into custody under the mental health law and handcuffed behind his back. While being secured by three officers and refusing to be seated, Mr. [REDACTED] lunged his head forward and spit in Trooper HUESTIS' face. Trooper HUESTIS reacted by striking Mr. [REDACTED] in the face with a closed fist, breaking his nose.

By his actions, Trooper HUESTIS violated the following NYSP Rules and Regulations:

Regulation 8A2, Article 31B4, by striking Mr. [REDACTED] in the face while he was handcuffed behind the back.

Regulation 8A8 (2) and 8D1-2, by bringing discredit to Division and engaging in improper conduct towards prisoners

Recommend appropriate administrative action.




# NEW YORK STATE POLICE

## MEMORANDUM

Troop K, Station Z 2 Wappinger

Date November 4, 2019

**To:** Major Richard L. Mazzone, Troop Commander, Troop K

**From:** Captain Paul M. DeQuarto, Zone II Commander 

**Subject:** COMPLAINT AGAINST PERSONNEL – DIVISION FILE #20190203  
TROOPER JAMES E. HUESTIS, EOD 4/21/08, SP WAPPINGER

Reference is made to the attached administrative report of Lieutenant Peter B. Healey, dated 11/04/19, concerning the captioned subject.

I have reviewed the attached administrative report of Lieutenant Healey and concur with his findings. This investigation has determined that on May 26, 2019, Trooper James E. Huestis responded to a residence in the Village of Wappingers Falls, NY, to assist the village police with a report of a man armed with a knife and possibly a gun. Ultimately, Mr. [REDACTED] was taken into custody under Section 9.41 of the Mental Hygiene Law and handcuffed behind his back. While being held secure by three officers and refusing to be seated outside the residence, Mr. [REDACTED] lunged his head forward and spit in Trooper Huestis' face. Trooper Huestis reacted by striking Mr. [REDACTED] in the face with a closed fist causing a broken nose and a laceration to the bridge of his nose. At the time of the strike, Mr. [REDACTED] was subdued and did not pose an immediate threat to the safety of Trooper Huestis or the other officers. Trooper Huestis' use of force was beyond what was reasonably necessary to arrest and control Mr. [REDACTED]. The personnel complaint against Trooper Huestis is FOUNDED. All facts obtained during this investigation conclude that Trooper Huestis did violate the following Regulations of the New York State Police:

**Regulation 8A2:** It shall be the duty of all Members to study and comply with the Rules, Regulations and Instructions, specifically:

**Article 31B4:** Use no more force than is legally and reasonably necessary to effect the arrest.

**Regulation 8A8(2):** A Member shall not act in a manner tending to bring discredit upon the Division:

**Regulation 8D1(2):** Under no circumstances shall a Member subject any person to brutality or duress, or engage in any improper conduct towards prisoners, persons under investigation, or any other person:

*To Wit:* On May 26, 2019, while assisting the Village of Wappingers Falls Police, Mr. [REDACTED] was taken into custody under Section 9.41 of the Mental Hygiene Law and handcuffed behind his back. While being held secure by three officers and refusing to be seated outside the residence, Mr. [REDACTED] lunged his head forward and spit in Trooper Huestis' face. Trooper Huestis reacted by striking Mr. [REDACTED] in the face with a closed fist causing a broken nose and a laceration to the bridge of his nose. At the time of the strike, Mr. [REDACTED] was subdued and did not pose an immediate threat to the safety of Trooper Huestis or the other officers. Trooper Huestis' use of force was beyond what was reasonably necessary to arrest and control Mr. [REDACTED]. Additionally, Trooper Huestis acknowledged that his strike to Mr. [REDACTED] was not justified and only occurred instinctive to being spit in the face. Trooper Huestis' actions reflected negatively on the State Police thereby bringing discredit upon the Division.


Recommend appropriate administrative action:

NEW YORK STATE POLICE  
COVER PAGE

TITLE OF CASE Trooper James J. Huestis EOD 4/21/08, SP Wappinger	REPORTING TROOP K	MANAGING TROOP K	DATE OF REPORT 11/04/19
	DATE OCCURRED 5/26/19	TZS K211	CTV CODE K1424
	INVESTIGATIVE PERIOD 6/14/19 – 10/17/19		TYPED BY pbh
	REPORT OF Lieutenant Peter B. Healey		SHIELD 1323
CHARACTER OF CASE - (CC CODE) COMPLAINT AGAINST PERSONNEL (PCT0100)	STATION Z/2 Wappinger	CASE # 20190203	
	STATUS OF CASE ( ) CA ( ) C/EC ( ) C/INV ( ) C/UNF ( ) C/UNS (X) C/FND ( ) OPN		

REFERENCE: Administrative Message AMSP1699L96V0, SP Wappinger, dated 5/26/19 and Report of Personnel Investigation #20190203, dated 6/14/19

- ENCLOSURES:
- 1 DVD containing body-camera footage from 5/26/19 - V/Wappingers Falls PO Nicholas Carmine
  - 2 DVD #1 containing body-camera footage from 5/26/19 – V/Wappinger Falls Det. Geoff Weaver
  - 3 Genl-4 Supporting Deposition of [REDACTED] dated 6/19/19
  - 4 Genl-4 Supporting Deposition of [REDACTED] dated 6/19/19
  - 5 Genl-7 Memorandum of Trooper Andrew J. Hettinger, dated 6/21/19
  - 6 Genl-7 Memorandum of Trooper Samantha J. Fennell, dated 6/21/19
  - 7 Genl-7 Memorandum of Trooper Catherine R. DeSarle, dated 6/21/19
  - 8 Genl-4 Supporting Deposition of Linsky Lundy, dated 6/29/19
  - 9 Genl-7 Memorandum of Trooper Alexandra A. Bonilia, dated 7/3/19
  - 10 Genl-4 Supporting Deposition of George R. Lebron, dated 7/04/19
  - 11 Genl-4 Supporting Deposition of Christopher Grotzer, dated 7/04/19
  - 12 Genl-4 Supporting Deposition of Grace Aguilar, dated 7/12/19
  - 13 Genl-4 Supporting Deposition of [REDACTED], dated 8/12/19
  - 14 Genl-4 Supporting Deposition of [REDACTED], dated 8/12/19
  - 15 SJS Incident Report # [REDACTED]
  - 16 Genl-34D Digital Photo Record and related photos
  - 17 Village of Wappingers Falls Police Incident Report #2019-1710
  - 18 DVD #2 containing body-camera footage – V/Wappingers Falls Detective Geoff Weaver
  - 19 Administrative Message #AMS # [REDACTED] SP Wappinger, dated 5/25/19
  - 20 Genl-7 Memorandum of Sergeant Lawrence A. Rucio, dated 9/25/19
  - 21 Genl-7 Memorandum of Trooper James E. Huestis, dated 6/3/19
  - 22 Genl-7 Memorandum of Trooper James E. Huestis, dated 5/29/19
  - 23 Audio CD / Transcribed target statement of Trooper James E. Huestis

		FOR TROOP/DIVISION HEADQUARTERS USE ONLY	
APPROVED:		DESTROY IN 20 _____	INITIALS _____
ZONE	Captain Paul M. DeQuarto 	PERMANENT RETENTION _____	
TROOP	MAJ. Paul M. DeQuarto	INITIALS _____	
DHO		RCN _____	



## REPORT

### SYNOPSIS:

On May 26, 2019, while assisting the Village of Wappingers Falls Police Department with the arrest of a 40-year-old intoxicated male refusing to leave a residence, Trooper JAMES J. HUESTIS, SP Wappinger, injured his right hand after striking the defendant, [REDACTED] with a closed fist in the face causing Mr. [REDACTED] to sustain a broken nose. The matter was initially investigated as an injury to person – while in custody and an on-duty injury. Subsequent review of video footage obtained from a body camera worn by the Village of Wappingers Falls Police, revealed Trooper HUESTIS may have used excessive force.

This investigation has determined that on May 26, 2019, Mr. [REDACTED] was taken into custody under Section 9.41 of the Mental Hygiene Law and handcuffed behind his back. While being held secure by three officers and refusing to be seated, Mr. [REDACTED] lunged his head forward and spit in Trooper HUESTIS' face. Trooper HUESTIS reacted by striking Mr. [REDACTED] in the face with a closed fist causing a broken nose and a laceration to the bridge of his nose. Trooper HUESTIS' use of force was beyond what was reasonably necessary to arrest and control Mr. [REDACTED]. The personnel complaint against Trooper HUESTIS is founded for using excessive force. Recommend appropriate administrative action.

### DETAILS:

1. On May 26, 2019, Captain PAUL M. DEQUARTO, Zone II Commander, was advised by Sergeant LAWRENCE A. PUCCIO, SP East Fishkill, of an injury to person – while in custody and an on-duty injury to Trooper JAMES J. HUESTIS that had taken place at [REDACTED] in the Village of Wappingers Falls, NY. State Police units were assisting the Village of Wappingers Falls Police with a report of an armed male with a knife and possibly a gun. Captain DEQUARTO directed Sergeant PUCCIO to conduct the administrative investigation. As part of Sergeant PUCCIO's investigation, he interviewed Doctor RAVINDER SIDHU, [REDACTED], of Mid-Hudson Regional Hospital, 241 North Road, Poughkeepsie, NY 12601, who stated that Mr. [REDACTED] sustained a broken nose. On June 14, 2019, upon review of the administrative report which included body camera footage of the incident and after consultation with Major RICHARD L. MAZZONE, Troop K Commander, Staff Inspector ROBERT C. GREGORY, PSB-SRO, was notified resulting in personnel complaint DNC #20190203 being initiated for excessive force. I, Lieutenant PETER B. HEALEY, Assistant Zone II Commander, was assigned to conduct this investigation.

#### At SP Wappinger, New York

2. On June 14, 2019, Captain DEQUARTO and I viewed the body camera footage recorded by former Officer NICHOLAS CARMINE and Detective GEOFF WEAVER of the Village of Wappingers Falls Police Department. These recordings captured, in part, the events which took place on May 26, 2019 at [REDACTED] Wappingers Falls, NY concerning [REDACTED] Detective WEAVER'S video recording captured the initial response to the scene and entrance into the house. However, it does not capture the incident involving Trooper HUESTIS and Mr. [REDACTED] as his body-camera fell off and stopped recording. Officer CARMINE'S video recording captured the arrest of Mr. [REDACTED] and his interaction with Trooper HUESTIS. Specifically, Officer CARMINE'S video shows Mr. [REDACTED] handcuffed behind his back and being escorted out of the residence with Detective WEAVER holding Mr. [REDACTED] left arm, Trooper ANDREW HETTENER holding Mr. [REDACTED] right arm and Deputy IAN CONNOR walking behind. The video then shows them escorting Mr. [REDACTED] down the porch stairs as they approach Trooper HUESTIS who then grabbed one of Mr. [REDACTED] legs. At this time, the officers attempted to



seat Mr. [REDACTED] by giving him commands and pushing him backwards while Deputy CONNER is holding Mr. [REDACTED] from behind. Simultaneously, the video is temporarily obstructed and Mr. [REDACTED] then yells, "Ow, Dad my nose is broke". Shortly thereafter, the video shows Mr. [REDACTED] bleeding from his nose and Trooper HUESTIS looking at his right hand. A copy of Officer CARMINE'S video is attached as ENCLOSURE #1 and a copy of Detective WEAVER'S video is attached as ENCLOSURE #2.

**At Wappingers Falls, New York**

3. On June 19, 2019, I interviewed Mr. [REDACTED] Wappingers Falls, NY, [REDACTED] who stated he had heard from [REDACTED] about the police presence that day but that he had not observed anything.

4. On June 19, 2019, I interviewed Mrs. [REDACTED] Wappingers Falls, NY, [REDACTED] who stated she was unaware of anything that had occurred and did not observe anything on that day.

5. On June 19, 2019, I interviewed Mr. [REDACTED] Wappingers Falls, NY, [REDACTED] who stated that he was home that day but does not recall anything happening across the street at [REDACTED]

6. On June 19, 2019, I interviewed Mr. [REDACTED] Wappingers Falls, NY, [REDACTED] who stated he was in North Carolina on the day in question and did not witness anything. Mr. [REDACTED] stated that he has the Ring doorbell video system but that [REDACTED] is not in view of the camera.

7. On June 19, 2019, I attempted to locate and interview Mr. [REDACTED] [REDACTED] [REDACTED] Wappingers Falls, NY, [REDACTED], however, was unsuccessful. I called his cell and left several messages for him to call me which he has not done. I also visited his residence of record [REDACTED] also where his parents reside, who both stated they have not seen or heard from [REDACTED] since the day of this incident.

8. On June 19, 2019, I canvassed the area of [REDACTED] Wappingers Falls, NY for any additionally video surveillance that may have captured this incident with none located.

9. On June 19, 2019, I interviewed Mr. [REDACTED] Wappingers Falls, NY, [REDACTED] who stated in sum and substance that he is the father of [REDACTED] and on May 26, 2019, at his residence, his son, [REDACTED] had become extremely intoxicated and was harassing he and his wife, [REDACTED]. He stated that [REDACTED] would not calm down and that he implied that he may have a weapon. Mr. [REDACTED] stated when the police arrived, he and his wife, [REDACTED] waited across the street in the yard of the [REDACTED]. Mr. [REDACTED] went on to say that when the police came out of the house with [REDACTED] he was handcuffed behind his back and there was an officer on either side holding [REDACTED]s arms. As [REDACTED] was being led down the stairs, he seemed to stumble and he saw a Trooper approach [REDACTED] from the front. Mr. [REDACTED] stated that it was at this time that he saw the Trooper straighten up and punch [REDACTED] in the face. Mr. [REDACTED] continued and stated that after a bit he was talking to the same Trooper who told him that he had stepped forward because he thought that [REDACTED] was stumbling and he wanted to prevent a fall. MR. [REDACTED] went on to say that the Trooper continued by saying that it was at that point that [REDACTED] spit in his face. Mr. [REDACTED] then stated that the punch followed. Mr. [REDACTED] stated that [REDACTED] was seated on the steps and that [REDACTED] injury prompted him to repeatedly call out in distress and an ambulance was called. Mr. [REDACTED] concluded in saying that he did not see his son act aggressively toward the officers and that he did not see him spit. Mr. [REDACTED] stated that he had not seen or spoken to [REDACTED] since that

day and did not know where he was currently living. He added that he and his wife got an Order of Protection against their son [REDACTED] issued on May 30, 2019. Mr. [REDACTED] reduced his account to writing in the form of a supporting deposition, a copy of which is attached and marked as ENCLOSURE #3.

10. On June 19, 2019, I interviewed Mrs. [REDACTED], [REDACTED] Wappingers Falls, NY, [REDACTED] who stated in sum and substance that she is the mother of [REDACTED] Mrs. [REDACTED] stated that on the May 26, her son was self-medicating with alcohol and she and her husband, [REDACTED] were trying to avoid him. Mrs. [REDACTED] stated that [REDACTED] was belligerent and quarrelsome and her husband ultimately called the police. Mrs. [REDACTED] stated that [REDACTED] having weapons and they warned the police. She stated that they thought in unlikely [REDACTED] had a gun but warned the police to be cautious. Mrs. [REDACTED] stated that when the police and Troopers arrived, she was directed to go across the street and stand in the side yard of the [REDACTED] for her own safety. Mrs. [REDACTED] stated that more Troopers arrived and stood around the perimeter of her home while other Troopers went inside to look for her son. After some time, [REDACTED] was brought out of the front door of the house and onto the porch. His hands appeared to be handcuffed securely behind his back. Mrs. [REDACTED] went on to say that two Troopers were holding [REDACTED] arms and as they began to descend the stairs one of the Troopers who was standing at the bottom of the stairs drew back his arm and punched [REDACTED] in the face. She saw [REDACTED] recoil backward against the stairs as the two Troopers holding his arms attempted to maintain their balance. Mrs. [REDACTED] stated that [REDACTED] yelled for help and that she heard someone say that [REDACTED] spit at the officer who punched him. Mrs. [REDACTED] went on to say that she did not see her son spit but she did observe the Trooper punch him in the face. Mrs. [REDACTED] described the officer who punched her son as the older of the two Troopers with shaved heads at the scene. Mrs. [REDACTED] went on to say that she believed she had spoken to this Trooper when he first arrived, before the "altercation". She stated that she explained to [REDACTED] health problems. Mrs. [REDACTED] went on to say that she had hoped the Trooper would understand that [REDACTED] was physically ill and suffering. Mrs. [REDACTED] finished by saying that at no point did she see her son act aggressively towards the officers. Mrs. [REDACTED] stated that she had not seen or spoken to [REDACTED] since that day and did not know where he was currently living. Mrs. [REDACTED] reduced her account to writing in the form of a supporting deposition, a copy of which is attached and marked as ENCLOSURE #4.

#### At Zone Headquarters, SP Wappinger, New York

11. On June 21, 2019, I interviewed Trooper ANDREW J. HETTINGER, SP Wappinger, who stated in sum and substance that on May 26, 2019, at approximately 6:30 PM, Dutchess County 911 polled for any available unit that could assist the Village of Wappinger PD with a male EDP known as [REDACTED]. He, along with other SP units, responded to [REDACTED] V/Wappingers Falls. He went on to say that once on scene, Village of Wappinger Police Officers informed the SP units that a male EDP is located inside of the house with a possible knife. An outside perimeter was set in place while two Village of Wappinger units, DCSO unit and Trooper HETTINGER devised a plan to clear the house. Trooper HETTINGER stated that while clearing the house, a Village of Wappinger unit advised that he had found Mr. [REDACTED] inside a bedroom closet on the main floor of the residence. After moving to the bedroom, he observed Mr. [REDACTED] laying in the closet with a knife in his right hand and a laceration on the palm of his left hand. Mr. [REDACTED] ignored multiple verbal commands from all officers to drop the knife. Eventually Mr. [REDACTED] relinquished the knife and was taken into custody. Trooper HETTINGER stated that while in custody and restrained by handcuffs behind his back, Mr. [REDACTED] repeatedly vocalized vulgar language to all officer's present. While escorting Mr. [REDACTED] outside from the residence to await EMS, Mr. [REDACTED] became very uncooperative. Mr. [REDACTED] had to be escorted physically by Trooper HETTINGER, holding his right arm, and an unknown Village of Wappinger Officer or a Dutchess County Sheriff's Deputy holding his left arm. While escorting Mr. [REDACTED] from the residence onto the porch and down a set of stairs he observed Trooper JAMES E. HUESTIS who attempted to assist officers by grabbing

the legs of Mr. [REDACTED] to guide him down the stairs. During that time, Mr. [REDACTED] continued to become emotionally agitated by cursing and yelling along with being passively resistant. Mr. [REDACTED] started to spit at Trooper HUESTIS by lunging his head in the direction of Trooper HUESTIS. Trooper HETTINGER stated he, along with the unknown officer, immediately physically brought Mr. [REDACTED] to the ground to inhibit any further spitting. As they were getting him to the ground Trooper HETTINGER heard a pop. Immediately following the sound of the pop Mr. [REDACTED] stated, "You broke my nose". Trooper HETTINGER stated that he turned back towards Trooper HUESTIS and observed Trooper HUESTIS shaking his right hand and wiping saliva off his face. Trooper HETTINGER stated that he did not see Trooper HUESTIS strike Mr. [REDACTED] because he was facing the opposite direction trying to get Mr. [REDACTED] to sit on the porch steps. Mr. [REDACTED] continued to state vulgar language and began to bleed from the bridge of his nose. Trooper HETTINGER stated that Mr. [REDACTED] began to spit his blood at surrounding officers until several spit socks were applied. EMS arrived on scene and attempted to evaluate Mr. [REDACTED] with negative results due to [REDACTED] becoming physically uncooperative and continually spitting blood. Mr. [REDACTED] was sedated by EMS and transported to Mid-Hudson Regional Hospital for a psychiatric evaluation. Trooper HETTINGER reduced his account to writing in the form of a memorandum, a copy of which is attached and marked as **ENCLOSURE #5**.

12. On June 21, 2019, I interviewed Trooper SAMANTHA J. FENNELL, SP Wappinger, who stated in sum and substance that on May 26, 2019, at approximately 6:30pm, she, along with Troopers CATHERINE DESARLE, ANDREW HETTINGER, ALEXANDRA BONILLA and JAMES HUESTIS responded to a Dutchess 911 poll to assist the Village of Wappinger PD with a male EDP at [REDACTED] in the Village of Wappinger. Upon their arrival, the male subject was identified as [REDACTED] and was barricaded in the residence with a knife. Trooper FENNELL went on to say that a perimeter was established and Mr. [REDACTED] was located inside the residence in a bedroom closet. Trooper FENNELL stated that she was on the rear exterior porch when she heard someone giving commands and she entered the residence. Mr. [REDACTED] was then taken into custody by Trooper HETTINGER and Village of Wappinger Officer CARMINE and was escorted out of the bedroom. Trooper FENNELL went on to say that during this time Mr. [REDACTED] was highly uncooperative, belligerent, irate and spitting. Mr. [REDACTED] was then escorted outside to await the arrival of EMS for transport to the hospital for a mental health evaluation. Trooper FENNELL stated that she went out to the front porch briefly and returned back into the residence with Trooper DESARLE to look for any additional weapons in the room where Mr. [REDACTED] was located. While in the residence Trooper FENNELL heard over Dutchess 911 that additional EMS was dispatched for an injured Trooper. Trooper FENNELL went on to say that she assumed the injury was due to Mr. [REDACTED] spitting. Trooper FENNELL went outside to the front porch and observed Mr. [REDACTED] at the bottom of the stairs with Trooper HETTINGER and Village of Wappinger Officers. Trooper FENNELL stated that she heard from officers on scene that Trooper HUESTIS had struck Mr. [REDACTED] in the face due to him spitting at Trooper HUESTIS. Trooper FENNELL did not recall what officer stated that Trooper HUESTIS struck Mr. [REDACTED]. Trooper FENNELL went on to say that she did not observe Mr. [REDACTED] spit at Trooper HUESTIS and did not observe Trooper HUESTIS strike Mr. [REDACTED]. Trooper FENNELL reduced her account to writing in the form of a memorandum, a copy of which is attached and marked as **ENCLOSURE #6**.

13. On June 21, 2019, I interviewed Trooper CATHERINE R. DESARLE, SP Wappinger, who stated in sum and substance that on May 26, 2019, at approximately 6:30pm, she was dispatched by Dutchess County 911 to [REDACTED] to assist the Village of Wappingers Falls PD with a barricaded male EDP with a knife. Trooper DESARLE stated that she responded to the location with Troopers ALEXANDRA BONILLA, ANDREW HETTINGER, SAMANTHA FENNELL, and JAMES HUESTIS. Upon arrival, a perimeter was established and the subject, positively identified as [REDACTED] was located inside a bedroom closet, and was subsequently taken into custody by Trooper HETTINGER and Village Police Officer CARMINE. Trooper DESARLE was outside the bedroom when Trooper HETTINGER and other uniformed patrols from the Village of Wappinger and Dutchess County Sheriff's

Office, escorted [REDACTED] from the bedroom to the porch. Trooper Desarle continued and stated that while she was on the porch she was focused on [REDACTED] parents, who were standing across the street. Trooper DESARLE returned inside the residence to the bedroom where [REDACTED] was located in order to look for any further weapons. When she returned out to the porch she observed Trooper HUESTIS shaking one of his hands and standing on the corner. Trooper DESARLE learned of the altercation that occurred through other officers at the scene, she did not remember which one. Trooper DESARLE stated that she did not observe [REDACTED] spit on Trooper HUESTIS and she did not observe Trooper HUESTIS strike [REDACTED]. Trooper DESARLE stated that Sergeant PUCCIO was notified and responded to the scene. Trooper DESARLE reduced her account to writing in the form of a memorandum, a copy of which is attached and marked as **ENCLOSURE #7**.

#### At Wappingers Falls, New York

14. On June 26, 2019, I interviewed Ms. [REDACTED] Wappinger Falls, NY [REDACTED] who stated in sum and substance that she runs a daycare in the rear of the [REDACTED] which also houses an apartment. I asked Ms. [REDACTED] if she knew the identities of the two unidentified people observed in Officer CARMINE'S body camera footage standing in the rear driveway of number [REDACTED]. Ms. [REDACTED] did not know who those people were but did state that they had been living in the apartment and had since moved out. Ms. [REDACTED] stated they were friends of her brother, [REDACTED] [REDACTED] and that she would contact him for their information. Ms. [REDACTED] did not provide a written deposition.

#### At Poughkeepsie, New York

15. On June 27, 2019, I interviewed Dutchess County Deputy Sheriff IAN CONNER, shield #156, 108 Parker Avenue Poughkeepsie, NY, (845)486-3800, regarding the arrest of [REDACTED] [REDACTED] on May 26, 2019 at [REDACTED] Avenue in the Village of Wappinger Falls. Deputy CONNER stated that had previously spoken to one of our sergeants regarding the incident. I asked him if he was interviewed on May 26, the day the incident occurred, and he stated "no" that he received a phone call a week or two after the incident and discussed everything with a sergeant. Deputy CONNER explained that he was there during the apprehension of Mr. [REDACTED] and he assisted in escorting him to the front of the residence. He stated that Mr. [REDACTED] was handcuffed behind his back and that an unknown Trooper was holding his right arm and that a Village of Wappinger Falls Officer, believed to be Officer CARMINE, was holding his left arm. Deputy CONNER stated that he was following behind. As the three officers escorted Mr. [REDACTED] down the porch stairs Mr. [REDACTED] was being belligerent and flailing, though cuffed, "he was jostling around", stating "fuck you, fuck this". Deputy CONNER stated that another unknown Trooper was waiting at the bottom of the stairs. During this another Village of Wappingers Falls Officer dropped his body camera and Deputy CONNER picked it up and handed it back to him. He did not know the name of the Officer (Officer WEAVER). It was during this time that he heard Mr. [REDACTED] spitting. He stated that as the officers got Mr. [REDACTED] down the stairs and were helping him to sit on the steps, he heard Mr. [REDACTED] say something like "he punched me in the nose" or the "face". Deputy CONNER could not directly recall the exact words. Deputy CONNER stated that he did not see who hit Mr. [REDACTED]. He went on to say that they waited on EMS personnel to arrive. He stated that EMS arrived quickly and he believed they may have been staged close by, thus their quick arrival to his location. I asked Deputy CONNER if Mr. [REDACTED] was kicking as he was being escorted, he responded "no". I asked him if Mr. [REDACTED] made threatening comments towards the officers, he stated that he did not remember any specific threats. I asked him if Mr. [REDACTED] was being combative and he stated that he was "jerking around and yelling fuck this". He stated that at one point, Mr. [REDACTED] made foul comments towards the female officers at the scene. However, Deputy CONNER was not specific. I asked Deputy CONNER if he knew who struck Mr. [REDACTED] and he



stated that he did not see who, but that he assumed it was the unknown Trooper standing in front of them as they got down the stairs. I asked Deputy CONNER if Mr. [REDACTED] was spitting and he stated that he was spitting as the officers lead him down the stairs. I asked him if he saw Mr. [REDACTED] spit on anyone directly, he stated that he did not. I asked him if he saw Mr. [REDACTED] spit on the Trooper by the stairs, again he stated he did not. He stated that he was behind Mr. [REDACTED] holding his shoulders as they were all trying to get him seated. He stated he was looking down at the steps and could not see where Mr. [REDACTED] was spitting. Deputy CONNER declined to provide a written deposition.

**At Zone Headquarters, SP Wappinger, New York**

16. On June 28, 2019, I spoke with Mrs. [REDACTED] [REDACTED] mother, in an attempt to contact [REDACTED] who provided me a cell phone number that she believed was his new contact number. Over the course of this investigation I made several attempts to contact [REDACTED] which were unsuccessful.

17. On June 29, 2019, I telephonically interviewed NICHOLAS CARMINE, [REDACTED], who stated that he is currently attending the San Diego California Police Academy. He was a former Village of Wappinger Falls Officer and was present at the time of this incident on May 26, 2019. He stated that he had been interviewed regarding the arrest on that day by Sergeant PUCCIO while at the hospital and again the next day during a phone call. Former Officer CARMINE stated that he recovered the knife that Mr. [REDACTED] had during the incident. He stated that Detective WEAVER secured Mr. [REDACTED] left arm and Trooper HETTINGER had his right arm. Deputy CONNER followed behind. Former Officer CARMINE could not recall if Deputy CONNER had his hands on Mr. [REDACTED] or was just walking behind. Former Officer CARMINE stated that he followed them out of the residence after handing the knife off to one of the female troopers (he did not know her name). He stated that once in custody, Mr. [REDACTED] remained passively resistant while being escorted from the residence. He stated that once they moved Mr. [REDACTED] down the stairs of the porch, he was standing on the front left side of Mr. [REDACTED] next to Detective WEAVER and that they were trying to sit Mr. [REDACTED] on the steps. At this time, Trooper HUESTIS was standing in front of Mr. [REDACTED]. He stated that [REDACTED] became more aggressive, screaming "I'm gonna kill you". At this point he made a jumping motion, lunging forward and then saw Mr. [REDACTED] spit at Trooper HUESTIS. He stated that Mr. [REDACTED] did not kick and that he doesn't remember if he was attempting to head butt anyone; only that he leaped forward (he clarified and stated that he attempted to lunge forward but was being held). He stated that he then saw Trooper HUESTIS strike Mr. [REDACTED] in the face. At that time, they were able to get Mr. [REDACTED] seated and he shouted, "he broke my nose, he broke my nose," and was yelling for his mother. They applied a spit sock as he began to now spit blood at the officers. He stated that he believes EMS was staged and that they arrived quickly. He stated that 2 ambulances arrived and that no other officers struck Mr. [REDACTED] during this incident. Former Officer CARMINE declined to provide a written deposition.

18. On June 29, 2019, I interviewed Emergency Medical Technician, Mr. LINSKY LUNDY, [REDACTED], of Mobil Life Services 16 Pershing Avenue Poughkeepsie, NY, 12601, (845) 562-4357 regarding the incident that occurred of May 26, 2019, at [REDACTED] Ave in the Village of Wappingers Falls. Mr. LUNDY stated that on that day he was partnered with Paramedic, Ms. GRACE AGUILAR, and they responded to that address to a report of a trauma. He stated that when they arrived, they observed the patient, Mr. [REDACTED], sitting on the sidewalk, bleeding, handcuffed and being restrained. They transported him to the hospital. While en route to the hospital Mr. LUNDY could hear the patient continue to scream and fight. Once at the hospital the patient was turned over to hospital staff. Mr. LUNDY stated that while at the hospital he learned that the patient had received a facial injury from an altercation with the police and that the injury occurred prior to their arrival on the scene. Mr. LUNDY stated that he never saw anyone hit



the patient. Mr. LUNDY reduced his account to writing in the form of a supporting deposition, a copy of which is attached and marked as **ENCLOSURE #8**.

19. On July 3, 2019, I interviewed Trooper ALEXANDRA A. BONILLA, SP Wappinger, who stated that on May 26, 2019, at approximately 6:35 pm, she, along with Troopers JAMES HUESTIS, CATHERINE DESARLE, SAMANTHA FENNEL and ANDREW HETTINGER, responded to [REDACTED] in the Village of Wappinger to assist the Village of Wappinger Police with an emotionally disturbed person with a knife. When they arrived on scene, she secured the outside perimeter while Troopers HETTINGER, DESARLE, HUESTIS and FENNEL went inside to locate [REDACTED]. Trooper BONILLA stated that when she heard someone yell "drop the knife" she went inside of the house to assist. Once inside she was told that he was in a bedroom and that there may be an exit from the room to the basement so she went towards the back exit in the kitchen to secure that side. Once in custody she observed Mr. [REDACTED] being brought out of the residence by Trooper HETTINGER, with the assistance of a Village of Wappinger Police Officer and a Dutchess County Sheriff's Deputy. She stated that Mr. [REDACTED] was handcuffed behind his back with the Village of Wappinger Officer holding his left arm and Trooper HETTINGER holding his right arm. The Dutchess County Sheriff's Deputy was towards the back of the group of officers bringing Mr. [REDACTED] outside. Trooper BONILLA stated that Trooper HUESTIS was walking on the right-hand side in front of the group. Trooper BONILLA stated that she did not know the names of these officers. Trooper BONILLA stated that while Mr. [REDACTED] was being escorted out of the house, he was resisting walking out by refusing to walk, flailing and squirming his upper body, spitting in the directions of the officers, and yelling "fuck you cocksuckers" at the Troopers and Officers. Trooper BONILLA was still in the residence, behind Troopers DESARLE and FENNEL while they were walking Mr. [REDACTED] outside. While the group of officers were walking Mr. [REDACTED] outside, she observed Mr. [REDACTED] kicking his legs in an attempt to become deadweight and become more difficult to move outside. Trooper BONILLA went on to say that she saw Trooper HUESTIS grab Mr. [REDACTED] right leg to try and control him to make him easier to move. She saw the officers get [REDACTED] onto the porch and lost view of them until she got closer. Her view was partially obstructed by the officers in front of her as she was still in the residence. She stated she moved towards the exit to where the officers and Mr. [REDACTED] were and Mr. [REDACTED] was sitting on the steps, spitting in the general directions of the officers when she was told by Trooper HETTINGER to get a spit sock. Trooper BONILLA then exited the back of the house to 2K15 to retrieve a spit sock. Once Trooper BONILLA had gotten the spit sock she walked over to the group of Officers with Mr. [REDACTED] and saw Mr. [REDACTED] bleeding from his nose. She handed Trooper HETTINGER the spit sock and he placed it on Mr. [REDACTED] head as he continued to shout various curses such as "fuck you cocksuckers" and "one of you mother fuckers broke my nose". Trooper BONILLA then retrieved a second spit sock and it was placed on Mr. [REDACTED]. Trooper BONILLA stated that Trooper HUESTIS asked her if he had any marks on his face because Mr. [REDACTED] spat on him. Trooper BONILLA stated that Sergeant PUCCIO arrived around the same time as the EMTs and he was briefed on the situation. Trooper BONILLA and the other officers assisted the EMTs in getting Mr. [REDACTED] onto a stretcher. At this point Mr. [REDACTED] continued to kick his legs to resist. She and TROOPERS DESARLE each held down a leg so the EMT could secure them. Trooper BONILLA stated that the female EMT sedated Mr. [REDACTED] and gave him pain medication. Mr. [REDACTED] was transferred on to the ambulance and Trooper HUESTIS went with Sergeant PUCCIO to receive medical attention. Trooper BONILLA stated that another Village of Wappinger Officer was on scene but she did not know when he arrived. After Mr. [REDACTED] was transported to the hospital, she remained on the scene and had a conversation with the other officers and asked what happened to Mr. [REDACTED] because she did not see Trooper HUESTIS or any other officer hit Mr. [REDACTED]. She stated that someone said, "I think HUESTIS hit him", however, she did not know who said it. Trooper BONILLA stated she did not witness Trooper

HUESTIS or any other officer hit Mr. [REDACTED] Trooper BONILLA reduced her account to writing in the form of a memorandum, a copy of which is attached as **ENCLOSURE #9**.

**At Poughkeepsie, New York**

20. On July 4, 2019, I interviewed Paramedic GEORGE R. LEBRON, [REDACTED], of Mobil Life Services 16 Pershing Avenue Poughkeepsie, NY, 12601, (845) 562-4357 regarding the incident that occurred of May 26, 2019, at [REDACTED] Ave in the Village of Wappingers Falls. Mr. LEBRON stated that he was partnered with Emergency Medical Technician, CHRISTOPHER GROTZER, that day and they responded to that address to a call for an officer needing medical attention. Once on scene, he was told by an unknown Trooper (Trooper HUESTIS), that he was spit in the eye by the patient and that his hand was sore from removing the patient from the residence. Mr. LEBRON stated that he went to assist the other medic, GRACE AGUILAR with the patient. Mr. LEBRON stated that the patient was given a sedative and then transported to Mid-Hudson Regional Hospital Emergency Room. Mr. LEBRON stated that he did not witness anyone hit the patient and he did not witness him spit on anyone. Mr. LEBRON reduced his account to writing in the form of a supporting deposition, a copy of which is attached and marked as **ENCLOSURE #10**.

21. On July 4, 2019, I interviewed, Emergency Medical Technician, CHRISTOPHER GROTZER, [REDACTED], of Mobil Life Services 16 Pershing Avenue Poughkeepsie, NY, 12601, (845) 562-4357 regarding the incident that occurred of May 26, 2019, at [REDACTED] Ave in the Village of Wappingers Falls. He stated that he partnered with Paramedic, GEORGE R. LEBRON, that day. Mr. GROTZER stated that he treated one unknown Trooper who told him that the patient had spit on him and it went in his eye. Mr. GROTZER stated that he did not witness anyone strike the patient and he never saw the patient spit on anyone. Mr. GROTZER stated that he did not recall the unknown Trooper complaining of any other injuries. Mr. GROTZER reduced his account to writing in the form of a supporting deposition, a copy of which is attached and marked as **ENCLOSURE #11**.

**At Wappingers Falls, New York**

22. On July 9, 2019, I interviewed Detective GEOFF WEAVER, [REDACTED], of the Village of Wappingers Falls Police Department, 2628 South Avenue Wappingers Falls, NY, 12594, (845) 297-1011. Detective WEAVER stated that he was present at [REDACTED] Avenue on May 26, 2019, for the arrest of Mr. [REDACTED] and that he spoke with a State Police sergeant that evening regarding the arrest. Detective WEAVER stated that they arrived at [REDACTED] [REDACTED] to a report of a man with a knife and possible a gun. He went on to say that when units arrived, they set up a perimeter around the house. After interviewing the father, Mr. [REDACTED] [REDACTED] they began a room to room search of the interior of the residence. He stated that Officer CARMINE, Trooper HETTINGER and Deputy CONNER located [REDACTED] [REDACTED] in the back bedroom in a closet. Detective WEAVER stated that [REDACTED] is known to police and has a history of spitting, biting and kicking at police. He stated that once [REDACTED] was taken into custody, he warned him not to spit on the officers. Detective WEAVER stated that he could smell alcohol on [REDACTED] He went on to say that as they were escorting [REDACTED] through the house he was "froggy, kicking and flailing his legs and body" and stating, "I will kill all you mother fuckers". He also stated that he remembered somebody, he could not recall who, stated "watch yourselves because he has blood on his hand." Detective WEAVER did not recall seeing an injury on his hand. Detective WEAVER stated he was holding [REDACTED] left arm and that Trooper HETTINGER was holding his right arm. As they got down the porch steps, Detective WEAVER could see Officer CARMINE and Deputy CONNER behind them at the top of the stairs. Trooper HUESTIS was in front of them and helped to get [REDACTED] legs down the stairs. Detective WEAVER stated that [REDACTED] was spitting at this time.

He stated that he did not see him spit directly at Trooper HUESTIS or anyone else. He stated that at some point he was the one who called for another ambulance because he had heard that Trooper HUESTIS was spit on and he thought he should be checked out. Detective WEAVER stated that once down the steps he was still holding ██████ left arm, he turned towards the steps, facing away from ██████ who was facing the street. He was looking back to see where the steps were as they were trying to get ██████ to sit down. Detective WEAVER stated that during this time Trooper HUESTIS was somewhere in front of them. At this time, he could feel ██████ leaning and pulling away with forward resistance as they tried to seat him. It was during this moment that ██████ became limp and came right down onto the step. Detective WEAVER continued and stated that he did not know why ██████ sat down like that. Once ██████ was seated, he could then see that he had a bloody nose and was saying "you fuck, you fucking punched me". Detective WEAVER stated that he told ██████ that he did not. Detective WEAVER stated that he did not see or hear anyone hit ██████ and that he did not see Trooper HUESTIS hit him. Detective WEAVER stated that he assumed that someone had shoved ██████ face or used a forearm to get him down causing the injury. Detective WEAVER stated that it was probably done in defense while ██████ was attempting to pull away from the officers and kick, head butt or lunge towards officers. He went on to say that he could only feel ██████ resistance and that he did not see him head butt or kick anyone, but he knows ██████ has a history of that type of resistance. Detective WEAVER assumed that was the reason someone may have caused ██████ injury. He stated that ██████ was spitting all over at this point and they applied a spit mask to him. The EMT's arrived quickly and ██████ resisted getting onto the stretcher as he was flailing, kicking his legs, spitting his blood and moving his shoulders around. ██████ was sedated by the EMT. Detective WEAVER accompanied ██████ and Paramedic AGUILAR in the ambulance ride to the hospital. During the ride ██████ was still spiting but eventually calmed down. Detective WEAVER declined to provide a written deposition.

#### **At Zone Headquarters, SP Wappinger, New York**

23. On July 12, 2019, I interviewed Paramedic GRACE AGUILAR, ██████, of Mobil Life Services 16 Pershing Avenue Poughkeepsie, NY, 12601, ██████ regarding the incident that occurred of May 26, 2019, at ██████ ██████ in the Village of Wappingers Falls. Ms. AGUILAR stated that she and her partner Mr. LUNDY were dispatched to a psychiatric emergency at ██████ ██████ Upon arrival, they approached the porch and observed the patient sitting on the porch steps, his face was bloody and he was wearing a spit mask. Ms. AGUILAR stated that the patient was being belligerent and yelling "fuck you, fuck you people" all while continually spitting through the mask. At one point he spat right into her mouth and a second spit mask was then applied. Miss AGUILAR stated that during this time she heard someone say something about hitting him. Ms. AGUILAR could not recall the specifics of that statement, but remembers the patient saying something like "they fucking hit me". Prior to trying to get the patient onto the stretcher for transport, Ms. AGUILAR asked if someone else was injured. It was at that time that an unknown Trooper raised his hand and stated that he was and stated something to the effect of "my hand is sore, I hurt my hand, he spat on me and we had to put a mask on him". Ms. AGUILAR could not remember the specifics of that Trooper's statement. Ms. AGUILAR stated that during the transport the patient said nothing about his injury. Once they arrived at the hospital, she turned the patient over to hospital staff. Ms. AGUILAR stated that during this call for service and during her time with the patient she never saw anyone hit him. Ms. AGUILAR reduced her account to writing in the form of a supporting deposition, a copy of which is attached and marked as ENCLOSURE #12.

#### **At Poughkeepsie, New York**

24. On August 12, 2019, in an attempt to identify the two civilians observed in former Officer CARMINE'S body camera footage, Sergeant NICHOLAS S. GALLIPANI, SP Poughkeepsie, responded to Valvoline on Route 9 in the Town of Poughkeepsie and interviewed [REDACTED] [REDACTED] [REDACTED] who stated he did not witness the incident on May 26, 2019 as he was not home at the time. Mr. [REDACTED] provided the name of the male subject in the video as [REDACTED] [REDACTED] and a cell [REDACTED].

**At Newburgh, New York**

25. On August 12, 2019, Sergeant GALLIPANI interviewed [REDACTED] [REDACTED] who stated in sum and substance that on May 26, 2019, he was at his friend's house [REDACTED] [REDACTED] on [REDACTED] [REDACTED] when heard an argument outside. He went outside in the driveway and observed police blocking the road and overheard the father telling the police where the weapon was in the house. He then observed the police bring a subject out of the house who started to get physical and belligerent and the police had to take him to the ground at the bottom of the stairs. Mr. [REDACTED] stated the man was bleeding when the police took him to the ground but he did not see how it happened. When they were putting on the stretcher, he kept spitting and would not stop so they put a spit sock on him. His father said, "you did this to yourself." They put him in the ambulance and took him away. A copy of Mr. [REDACTED] supporting deposition is attached as ENCLOSURE #13.

26. On August 12, 2019, Sergeant GALLIPANI interviewed [REDACTED] [REDACTED] who stated in sum and substance that on May 26, 2019, she was at [REDACTED] [REDACTED] house on [REDACTED] [REDACTED] when [REDACTED] told her something was going on outside. By the time she went outside, the police had the gentleman on the ground with a spit bag over his head. Ms. [REDACTED] stated she heard the father state, "You did this to yourself." They got him on a stretcher where he was calm and then started spitting again. Ms. [REDACTED] noticed blood on the white sheet that was over his head but did not see how he got injured. A copy of Ms. [REDACTED] supporting deposition is attached as ENCLOSURE #14.

**At Zone Headquarters, SP Wappinger, New York**

27. On August 12, 2019, Captain DEQUARTO reviewed and printed a copy of the SJS Incident Report ([REDACTED]) associated with this investigation which is attached as ENCLOSURE #15.

28. On August 13, 2019, Captain DEQUARTO obtained the photos taken by Sergeant PUCCIO on May 26, 2019 which shows [REDACTED] [REDACTED] nose injury, Trooper HUESTIS' hands / face and the scene. A Genl-34D, Digital Photo Record and related photos are attached as ENCLOSURE #16.

29. On August 13, 2019, Captain DEQUARTO reviewed the Village of Wappingers Falls Police Incident Report # [REDACTED]-[REDACTED] in connection with this investigation. The report denotes a paragraph written by Detective WEAVER which states in sum and substance that while removing the suspect to the front porch he became "combative, kicking, spitting, resisting detention"... "Suspect was struck by a Trooper defending himself from the spitting suspect who at that time was attempting to lunge and or kick Police Officers." Additionally, the report denotes a paragraph written by Officer CARMINE which states in sum and substance that "while units were walking Mr. [REDACTED] outside, he began to struggle and fight with units. While attempting to sit [REDACTED] down on the outside stairs, [REDACTED] spit in Trooper HUESTIS' face". A copy of the village police's incident report is attached as ENCLOSURE #17.



30. On August 13, 2019, Captain DEQUARTO reviewed additional body-camera footage recorded by Detective WEAVER on May 26, 2019 that captured video / audio of the transport of [REDACTED] [REDACTED] in the ambulance to the hospital and interactions with Trooper HUESTIS and Officer CARMINE at the hospital. The video is approximately 37 minutes in duration. However, there are two segments of the video that are of any consequence. The first is at 15.11 when Trooper HUESTIS is observed on the video stating, "He spit in my face, that's why I'm here" and then he is observed looking down at his right hand. The second is at 32.25 when Detective WEAVER has a discussion with Officer CARMINE about the subject [REDACTED] being struck and how Officer CARMINE witnessed the strike and then appears to mouth the words "He got rocked." Additionally, Detective WEAVER is heard stating he did not see the strike but heard it by stating, "I heard whack". A DVD containing Detective WEAVER'S additional body-camera footage is attached as **ENCLOSURE #18**.

31. On August 13, 2019, Captain DEQUARTO obtained a copy of the Administrative Message in connection with this investigation. AMS [REDACTED] SP Wappinger, dated 5/26/19 is attached as **ENCLOSURE #19**.

32. On September 16, 2019, I received a memorandum from Sergeant Lawrence A. Puccio, SP Wappinger, which summarizes his response to the incident at [REDACTED] [REDACTED] in the Village of Wappingers falls, NY and his interview of Trooper Huestis. In sum and substance Sergeant Puccio stated that on May 26, 2019, at approximately 6:57PM, he responded to the residence located at [REDACTED] [REDACTED] in the Village of Wappingers Falls after receiving a telephone call from Trooper James E. Huestis who advised that he had just struck a subject in the face, after having been spat on, by said subject. Upon Sergeant Puccio's arrival, he observed Troopers Huestis, Bonilla, Hettinger, Desarle and Fennell as well as Officers Weaver and Carmine of the Village of Wappingers Falls Police Department and Dutchess County Sheriff Deputy Conner attempting to restrain a combative male subject who was seated on the ground and handcuffed behind his back at the base of a set of stairs leading to the porch of the residence. The subject was identified as [REDACTED] [REDACTED] and he was bleeding profusely from the facial area. Sergeant Puccio continued saying that due to Mr. [REDACTED] uncontrollable and aggressive behavior, he was ultimately sedated by responding Mobile Life Support Ambulance personnel Aguilar and Lundy, prior to transport to Mid-Hudson Regional Hospital for treatment. He was not able to interview Mr. [REDACTED] at the scene. Sergeant Puccio did secure photographs of the scene and of Mr. [REDACTED]

Sergeant Puccio went on write that Trooper Huestis advised him that the State Police were dispatched to the scene to assist the Village of Wappinger Falls Police with a report of an EDP with a knife. Trooper Huestis advised him that Trooper Hettinger, Officer Carmine and Deputy Conner located Mr. [REDACTED] within the residence in a confined space, brandishing a small kitchen knife. Ultimately Mr. [REDACTED] dropped the knife and after a brief struggle and was handcuffed behind the back. Trooper Huestis advised Sergeant Puccio that Mr. [REDACTED] was combative as he was being escorted out of the residence by Trooper Hettinger, Officers Weaver and Carmine and Deputy Conner, by means of kicking, flailing and verbally threatening harm against them. Sergeant Puccio went on to write that Trooper Huestis then stated that Mr. [REDACTED] had to be safely escorted down a set of stairs leading from the porch of the residence to ground level, at which time he stood in front of Mr. [REDACTED] grabbing at his legs as the others lifted. Trooper Huestis stated to Sergeant Puccio that Mr. [REDACTED] then lunged forward while in close proximity to him, spitting saliva directly into his face which also entered his left eye. Trooper Huestis stated that he defensively reacted by striking Mr. [REDACTED] in the face with his right fist. Trooper Huestis advised Sergeant Puccio that the strike caused injury, as Mr. [REDACTED] started to bleed profusely. Sergeant Puccio wrote that Trooper Huestis stated to him that Mr. [REDACTED] was then seated on the ground for EMS arrival, after having been lifted down from

the stairs. Troopers and other officers on the scene were unable to render first aid since Mr. [REDACTED] continued with his combative behavior until he was sedated by responding EMS personnel. Trooper Huestis reported to sergeant Puccio that he was experiencing minor pain and swelling to his right hand as a result of the strike to Mr. [REDACTED] face. Sergeant Puccio then secured photographs of Trooper Huestis prior to transporting him by Division vehicle to the Mid-Hudson Regional Hospital for a medical evaluation.

While at Mid-Hudson Regional Hospital, Trooper Huestis was treated and released for his injury which consisted of a contusion to his right hand and the possible exposure to communicable diseases. Sergeant Puccio continued and wrote that Mr. [REDACTED] was treated for a broken nose and remained sedated at the hospital for further treatment to include a mental evaluation. Sergeant Puccio secured photographs of Mr. [REDACTED] at the hospital and no interview took place due to his sedated and uncooperative state. Sergeant Puccio's memorandum is attached as **ENCLOSURE #20**.

33. The memorandum dated June 3, 2019, authored Trooper Huestis and submitted to Sergeant Puccio, regarding Trooper Huestis' actions on May 26, 2019, is attached and marked as **ENCLOSURE #21**.

34. On October 8, 2019, I attempted to locate and interview Mr. [REDACTED] with negative results.

35. On October 17, 2019, a second memorandum dated May 29, 2019, and authored by Trooper Huestis, came through the Zone II printer. This memo was inadvertently sent to the Zone II office printer by Trooper Huestis who wanted a copy to review prior to his administrative statement. This memo included more detail regarding Trooper Huestis' actions on May 26, 2019. A copy of this memorandum is attached and marked as **ENCLOSURE #22**.

36. On October 17, 2019, an Administrative Statement was taken from Trooper Huestis at Troop K Zone II Headquarters, 18 Middlebush Road, Wappingers, NY, relative to his actions on May 26, 2019. Present for this statement was Captain Dequarto, Lieutenant Healey, Zone Sergeant Mark Conway, Troop K Zone II, and Trooper Huestis. Also present to represent Trooper Huestis was NCO East Delegate Representative Zone Sergeant Michael Collier and PBA Deputy General Counsel Maria Morris. During the statement Trooper Huestis was asked if he struck Mr. [REDACTED] to which Trooper Huestis stated "yes". When asked why he struck Mr. [REDACTED] Trooper Huestis responded "Instinctively, when I got spit in the face". Trooper Huestis was asked to identify other members and officers standing on the porch at the time of the incident, to which he stated, "I don't know". Trooper Huestis was asked specific questions regarding the existence of the two memorandums he wrote. When asked why there were two memorandums, Trooper Huestis stated that the memorandum dated May 29, 2019, was his first draft. When asked why the May 29<sup>th</sup> memorandum contained information not included in the June 3<sup>rd</sup> memorandum, Trooper Huestis replied, in sum and substance, that the memorandum dated May 29<sup>th</sup> had information in it that had nothing to do with the injury to the prisoner (Mr. [REDACTED]). Trooper Huestis was asked why he struck Mr. [REDACTED] to which he replied, "it was instinctive for him spitting in my face". When asked why his reason for striking Mr. [REDACTED] was now different from what he wrote in his memorandum, Trooper Huestis stated that he did not recall. When asked if he felt his strike to Mr. [REDACTED] was justified, Trooper Huestis stated "no". An audio copy and transcript of Trooper Huestis' statement is attached and marked as **ENCLOSURE #23**.

#### **CONCLUSION:**

This investigation has determined that on May 26, 2019, Trooper JAMES J. HUESTIS responded to a residence in the Village of Wappingers Falls, NY, to assist the village police with a report of a man armed with a knife and possibly a gun. Ultimately, Mr. [REDACTED] was taken into custody under Section 9.41 of the Mental Hygiene Law and handcuffed behind his back. While being held secure by three officers

and refusing to be seated outside the residence, Mr. [REDACTED] lunged his head forward and spit in Trooper HUESTIS' face. Trooper HUESTIS reacted by striking Mr. [REDACTED] in the face with a closed fist causing a broken nose and a laceration to the bridge of his nose. At the time of the strike, Mr. [REDACTED] was subdued and did not pose an immediate threat to the safety of Trooper HUESTIS or the other officers. Trooper HUESTIS' use of force was beyond what was reasonably necessary to arrest and control Mr. [REDACTED]. The personnel complaint against Trooper HUESTIS is FOUNDED. All facts obtained during this investigation conclude that Trooper HUESTIS did violate the following Regulations of the New York State Police:

**Regulation 8A2:** It shall be the duty of all Members to study and comply with the Rules, Regulations and Instructions, specifically:

**Article 31B4:** Use no more force than is legally and reasonably necessary to effect the arrest.

**Regulation 8A8(2):** A Member shall not act in a manner tending to bring discredit upon the Division;

**Regulation 8D1(2):** Under no circumstances shall a Member subject any person to brutality or duress, or engage in any improper conduct towards prisoners, persons under investigation, or any other person;

*To Wit:* On May 26, 2019, while assisting the Village of Wappingers Falls Police, Mr. [REDACTED] was taken into custody under Section 9.41 of the Mental Hygiene Law and handcuffed behind his back. While being held secure by three officers and refusing to be seated outside the residence, Mr. [REDACTED] lunged his head forward and spit in Trooper HUESTIS' face. Trooper HUESTIS reacted by striking Mr. [REDACTED] in the face with a closed fist causing a broken nose and a laceration to the bridge of his nose. At the time of the strike, Mr. [REDACTED] was subdued and did not pose an immediate threat to the safety of Trooper HUESTIS or the other officers. Trooper HUESTIS' use of force was beyond what was reasonably necessary to arrest and control Mr. [REDACTED]. Trooper HUESTIS' actions reflected negatively on the State Police thereby bringing discredit upon the Division.

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK  
VS

DEFENDANT(S)

**LOCATION OF INCIDENT:**  
 STATE OF NEW YORK, LOCAL CRIMINAL COURT  
 COUNTY OF Dutchess  
 Village OF Wappingers Falls

**LOCATION OF DEPOSITION:**  
 STATE OF NEW YORK  
 COUNTY OF Dutchess  
 Village OF Wappingers Falls

On DATE: 6/19/19 at TIME STARTED: 1:00  AM  PM, FULL NAME: [REDACTED]

STATE THE FOLLOWING:

My son, [REDACTED] has been on Medical leave from his job as a [REDACTED] [REDACTED] for four years. He has been suffering from debilitating Migrains and other severe pain in his eyes, jaw and arm. He has seen multiple specialists and has undergone a Cat Scan, MRI's, a Spinal tap and various other diagnostic procedures to no avail. Doctors are unable to diagnose his problems nor offer any remediation other than regular Botox injections in his scalp. [REDACTED] has resulted to self-medicate with alcohol. On May 26, 2019, while at our residence of [REDACTED] [REDACTED] in the Village of Wappingers Falls, NY. [REDACTED] had become extremely intoxicated and was harassing my wife and myself. When he refused to comply with our multiple requests to calm down, we told him that we would call the local police to assist us in having him removed from the house. It was at this point that [REDACTED] said he would hide and he implied that he might have a weapon. We could neither confirm nor deny. It was this information that led to the extended Police response. When the officers arrived, my wife and I were told to stand away from the house. We both stood across the street in the yard of the [REDACTED]. Soon, the Police came out of the house with [REDACTED] [REDACTED] hands were cuffed behind his back and there was an officer on either side, holding his arms. As he was being led down the stairs, he seemed to stumble and a Trooper approached him from the front. I then saw the Trooper straighten up and punch [REDACTED] in the face. I would like to add that in later talking to that Trooper, he told me, that he had stepped forward because he thought that [REDACTED] was stumbling and he wanted to prevent a fall and it was at that point he said [REDACTED] spit in his face.

NOTICE

(Penal Law Sec. 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable by [REDACTED]

Affirmed under penalty of perjury  
this 19 day of JUNE, 20 19

- or -

\*Subscribed and Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

(WITNESS)

[Signature]  
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED  AM  PM  
1:26

\* This form need be sworn to only when specifically required by the court.



SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK

VS.

DEFENDANT(S)

That was followed by the punch. After that, [REDACTED] was seated on the porch steps. His injury prompted him to repeatedly call out in distress. An ambulance was called and [REDACTED] was transported to the hospital. As far as other witnesses, none of the neighbors were at home. A "family" group of people were watching from the top of the driveway of the [REDACTED] [REDACTED] They did not live there and have since left. At no time did I see my son act aggressively toward the officers. I did not see him spit. I have not seen or spoken to [REDACTED] since that day. I do not know where he is currently living.

NOTICE

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury

this 19 day of JUNE, 20 19

- OF -

\*Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\* This form need be sworn to only when specifically required by the court.

(WITNESS)

Lt P.B. HEALEY

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

AM

PM

1:26

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK VS

DEFENDANT(S)

LOCATION OF INCIDENT: STATE OF NEW YORK, LOCAL CRIMINAL COURT COUNTY OF Dutchess Village OF Wappingers Falls

LOCATION OF DEPOSITION: STATE OF NEW YORK COUNTY OF Dutchess Village OF Wappingers Falls

On DATE: 6/19/19 at TIME STARTED: 1:00 PM FULL NAME: [REDACTED]

STATE THE FOLLOWING:

On Sunday May 26, my son [REDACTED] was at our house at [REDACTED] in the Village of Wappingers Falls, NY, self medicating for extreme facial pain with alcohol. We tried to avoid him. I spent the day outside but he became belligerent and quarrelsome and would not leave us alone. My husband warned him to leave us alone or we would call the Police and have him removed. [REDACTED] became increasingly agitated and my husband called the Police. [REDACTED] having weapons and we warned the Police of this. We thought it unlikely he had a gun but warned the Police in an abundance of caution. Following the arrival of Wappingers Falls Village police and several cars of NYS Troopers, I was directed by a Trooper to go across the side street, [REDACTED] and stand in the front side yard of the [REDACTED] for my own safety. I took my leashed Greyhound and did as I was directed. There were two people standing next to the fence at the top of the driveway of the [REDACTED]. These two people were visitors to the [REDACTED] not inhabitants, and unknown to me. I cannot say what they observed. More NYS Troopers arrived. The officers stood around the perimeter of my house, [REDACTED] watching the outside of the house while other Troopers entered my home to look for my son, [REDACTED]. After some time, [REDACTED] was brought out of the front door of the house onto the front porch. His hands appeared to be cuffed securely behind his back. Two Troopers held his arms, one on each side. Other Officers exited the front door. When [REDACTED] and his escort exited the front door, there were Troopers and a local Police Officer standing at the foot of the porch stairs leading to the sidewalk on the side street, [REDACTED].

NOTICE

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury this 19 day of JUNE, 20 19

\*Subscribed and Sworn to before me this day of , 20

\* This form need be sworn to only when specifically required by the court.

[REDACTED SIGNATURE]

(WITNESS) TIME ENDED 1:36 PM (NAME OF PERSON TAKING DEPOSITION)

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK

VS.

DEFENDANT(S)

As [redacted] and the two Troopers holding his arms began to descend the stairs, one of the Troopers at the foot of the stairs stepped forward and shortly thereafter drew his arm back and punched [redacted] in the face. I saw [redacted] recoil backward against the stairs as the two Troopers holding his arms attempted to maintain their balance. [redacted] yelled for help. I heard someone say that [redacted] spit at the Officer who punched [redacted]. From the front, side yard, near the tree, of the [redacted], I could not see [redacted] spit as facial expressions were not obvious from that location. I did observe the Trooper draw back his arm and punch [redacted] in the face. After [redacted] was punched, I heard someone say something about an ambulance. Two ambulances arrived and one took him, [redacted]. I believe that the Officers who punched [redacted] in the face was the older of the two Troopers with shaved heads at the scene. I believe I had spoken to this Officer when he first arrived at the scene, before the altercation. When I spoke to this Trooper, I explained that [redacted] was physically ill and suffering, not just a bad person. From my vantage point, at no time did I see my son act aggressively toward the Officers. I have not seen or spoken to [redacted] since that day. I do not know where he is currently living.

**NOTICE**

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury

this 19 day of JUNE, 20 19

- of -

\*Subscribed and Sworn to before me

this day of , 20

\* This form need be sworn to only when specifically required by the court.

[Redacted Signature]

(WITNESS)  
*LT P.B. HEANEY*  
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED  AM  PM  
1:36

## NEW YORK STATE POLICE

## MEMORANDUM

Troop K Station SP WappingerDate August 12, 2019

To: Major Richard L. Mazzone, Troop Commander, Troop K

From: Trooper Andrew J. Hettinger A.J.H.

Subject: INJURY TO PRISONER WHILE IN CUSTODY

On May 26, 2019 at approximately 06:30 PM Dutchess County 911 polled for any available unit that could assist the Village of Wappinger PD for a male EDP known as [REDACTED]. Myself that was in marked division vehicle 2K15 along with other SP units responded to [REDACTED], V/WAPPINGER. Upon arrival Village of Wappinger PD informed SP units that a male EDP is located inside the house with a possible knife. An outside perimeter was set in place while two Village of Wappinger units, DCSO unit and myself devised a plan to clear the house. Upon clearing the house, a Village of Wappinger unit advised that he found [REDACTED] located inside a bedroom closet on the main floor of the residence. I observed [REDACTED] laying in the closet with a knife in his right hand and a knife laceration located on the palm of his left hand. [REDACTED] ignored multiple verbal commands from all officers to drop the knife. Eventually [REDACTED] obeyed police orders and relinquished the knife. [REDACTED] was taken into custody and searched for any further weapons.

While in custody and arms restrained in the back by handcuffs [REDACTED] repeatedly vocalized vulgar language to all officer's present. I am unsure of the specific vulgar words [REDACTED] used. While escorting [REDACTED] from the residence to the outside perimeter to await EMS arrival [REDACTED] became very uncooperative. [REDACTED] had to be escorted physically by myself holding his right arm, and unknown officer either from the Village of Wappinger's Police Department or Dutchess County Sheriff's Office holding [REDACTED] left arm. While escorting [REDACTED] from the residence a set of stairs just before the street were observed. TROOPER JAMES E. HUESTIS during that time attempted to assist officers by grabbing the legs of [REDACTED] to guide him down the stairs. During that time [REDACTED] continued to become emotionally agitated by cursing and yelling along with becoming passively resistant. [REDACTED] became passively resistant when disobeying all verbal commands from officers to walk during the escort and to sit down when told. At that time, [REDACTED] started to spit at TROOPER HUESTIS by lunging his head in the direction of TROOPER HUESTIS. Immediately, myself and the unknown officer holding [REDACTED] left arm, physically brought [REDACTED] to the ground away from TROOPER HUESTIS onto the porch stairs, to inhibit any further spitting. At this time, I heard a pop. Immediately following the sound of the pop [REDACTED] stated "You broke my nose". I turned back to TROOPER HUESTIS and observed



TROOPER HUESTIS shaking his right hand and wiping saliva off his face. I did not see TROOPER HUESTIS hit [REDACTED] because I was facing in the opposite direction trying to get [REDACTED] to sit on the porch steps. [REDACTED] continued to state unidentified vulgar language and began to bleed from the bridge of his nose. [REDACTED] then began to spit his blood at surrounding officers until several spit socks were applied. EMS arrived on scene and attempted to evaluate [REDACTED] with negative results due to [REDACTED] becoming physically uncooperative by twisting his upper and lower body while continually spitting blood at surrounding officers when located on the stretcher. [REDACTED], multiple times attempted to raise his head, twist his body in efforts to get unrestrained, and spit blood at surrounding officers. During the time [REDACTED] was spitting blood I placed my left shin across [REDACTED] hip to inhibit [REDACTED] from getting off the stretcher. [REDACTED] was getting strapped down by unknown paramedics while I was controlling the hips of [REDACTED]. [REDACTED] was then sedated by EMS and transported to Mid-Hudson Regional Hospital for a psychiatric evaluation.

## NEW YORK STATE POLICE

## MEMORANDUM

Troop K Station SP WappingerDate June 21, 2019**To: Major Richard L. Mazzone, Troop Commander, Troop K****From: Trooper Samantha J. Fennell S.J.F.****Subject: Injury to Prisoner While in Custody**

On May 26, 2019 at approximately 6:30pm, I was working a 1 Tour out of SP Wappinger operating marked patrol unit 2K14. Myself along with Troopers CATHERINE DESARLE, ANDREW HETTINGER, ALEXANDRA BONILLA and JAMES HUESTIS responded to a Dutchess 911 poll to assist the Village of Wappinger PD with a male EDP at [REDACTED] in the Village of Wappinger. Upon arrival, the male subject was identified as [REDACTED], he was barricaded in the residence with a knife. A perimeter was established and [REDACTED] was located inside the residence in a bedroom closet. I was on the rear exterior porch when I heard voices giving commands, I then entered the residence. When [REDACTED] was then taken into custody by Trooper HETTINGER and Village of Wappinger Officer CARMINE, I was in the hallway outside the bedroom. [REDACTED] was then escorted out of the bedroom, during this time he was highly uncooperative, belligerent, irate and spitting. [REDACTED] was then escorted outside to await the arrival of EMS for transport to the hospital for a mental health evaluation. I then went out to the front porch briefly and returned back into the residence with Trooper DESARLE to look for any additional weapons in the room where [REDACTED] was located. While in the residence I heard via Dutchess 911 that additional EMS was dispatched for an injured Trooper. I assumed the injury was due to [REDACTED] spitting due to my earlier observations. I went outside to the front porch, I observed [REDACTED] at the bottom of the stairs with Trooper HETTINGER and Village of Wappinger Officers. I did return back into the residence with Trooper DESARLE to check the bedroom where [REDACTED] was located. I heard from officers on scene that Trooper HUESTIS had struck [REDACTED] in the face due to [REDACTED] spitting at Trooper HUESTIS. I do not recall what officer stated that Trooper HUESTIS struck [REDACTED] in the face. I did not observe [REDACTED] spit at Trooper HUESTIS and I did not observe Trooper HUESTIS strike [REDACTED] in the face. Sergeant PUCCIO was notified and responded to the scene.

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station SP WappingerDate June 26, 2019**To: Major Richard L. Mazzone, Troop Commander, Troop K****From: Trooper Catherine R. DeSarle** *CRD***Subject: INJURY TO PERSON WHILE IN CUSTODY**

On May 26, 2019 I was working a F12 tour out of SP WAPPINGER operating marked division vehicle unit 2K19. At approximately 6:30 PM, I was dispatched by Dutchess County 911 to [REDACTED] to assist the Village of Wappingers Falls PD with a barricaded male EDP with a knife. I responded to the location with Troopers ALEXANDRA BONILLA, ANDREW HETTINGER, SAMANTHA FENNELL, and JAMES HUESTIS. Upon arrival, a perimeter was established and the subject, positively identified as [REDACTED] was located inside a bedroom by Trooper HETTINGER and Village Police Officer (PO) CARMINE. I was outside of the bedroom and heard Trooper HETTINGER and PO CARMINE giving verbal commands to [REDACTED], who was inside of a closet in the bedroom. [REDACTED] was subsequently taken into custody by Trooper HETTINGER and PO CARMINE. I was outside the bedroom when Trooper Hettinger and other uniformed patrol (Village of Wappinger and DCSSO), escorted [REDACTED] from the bedroom to the porch. While on the porch, I was focused on [REDACTED] parents, who were standing across the street. I returned inside to the bedroom where [REDACTED] was located, to sweep the room for any further weapons. When I returned out to the porch, I observed Trooper HUESTIS shaking one of his hands and standing on the corner. I learned of the altercation that occurred through other officers at the scene, I do not remember which one. I did not observe [REDACTED] spit on Trooper HUESTIS and I did not observe Trooper HUESTIS strike [REDACTED]. Sergeant PUCCIO was notified and responded to the scene.

THE PEOPLE OF THE STATE OF NEW YORK  
VS

DEFENDANT(S)

**LOCATION OF INCIDENT:**  
 STATE OF NEW YORK, LOCAL CRIMINAL COURT  
 COUNTY OF Dutchess  
 Village OF Wappingers Falls

**LOCATION OF DEPOSITION:**  
 STATE OF NEW YORK  
 COUNTY OF Dutchess  
 Town OF Wappinger

On DATE: 6/29/19 at TIME STARTED: 3:00  AM  PM I, FULL NAME: Linsky Lundy

STATE THE FOLLOWING:

On May 26, 2019, I was working as an Emergency Medical Technician with my partner, Paramedic Grace A. at Mobil Life Services out of Arlington when we were dispatched to a trauma at [REDACTED] in the Village of Wappingers Falls, NY. We responded and arrived on the scene to find the patient sitting on the sidewalk, bleeding facially, handcuffed and being restrained. The police reported that the patient was to be transported to the hospital for treatment. We made contact with the patient who was extremely agitated and belligerent. The patient was still screaming and swearing, fighting by thrashing around and kicking at the Police. The patient was lifted from the ground and onto the stretcher. The patient was still screaming, kicking and spitting at us as we attempted to secure the stretcher safety straps. The Paramedic, Grace, attempted medical sedation and the patient continued being agitated. A spit mask was applied to the patient but the patient continued spitting through the mask. The patient was taken on the stretcher and loaded into the ambulance. I drove the ambulance to the hospital. During the transport, I could hear the patient continue screaming and fighting. We arrived at the hospital and the patient was taken inside and into a hospital room. The patient was transferred onto a hospital bed and left in the care of hospital staff. At the hospital, I learned that the patient had received the facial injury from an altercation with the Police. I did not see how the injury occurred as it happened prior to my arrival on scene. I never saw anyone hit the patient.

**NOTICE**

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury  
 this 29 day of JUNE, 20 19  
 - or -

\*Subscribed and Sworn to before me  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

*Linsky Lundy*  
 (SIGNATURE OF DEPONENT) - Linsky Lundy

(WITNESS) *P.B. HENRY* TIME ENDED 3:28  AM  PM  
 (NAME OF PERSON TAKING DEPOSITION)

\* This form need be sworn to only when specifically required by the court.



## NEW YORK STATE POLICE

## MEMORANDUM

Troop K Station SP WappingerDate July 3, 2019

**To:** Major Richard L. Mazzone., Troop Commander-Troop K

**From:** Probationary Trooper Alexandra A. Bonilla *A.A.B.*

**Subject:** **INJURY TO PRISONER PRIOR WHILE IN CUSTODY**

At approximately 6:35 p.m. while working a scheduled 1 shift, Troopers JAMES HUESTIS, CATHERINE DESARLE, SAMANTHA FENNEL, ANDREW HETTINGER and I patrolled to [REDACTED] in the Village of Wappinger to assist the Village of Wappinger Police Department with an emotionally disturbed person with a knife

While on scene I secured the outside perimeter while Troopers HETTINGER, DESARLE, HUESTIS and FENNEL went inside to located [REDACTED]. I went inside of the house to assist when I heard someone yell "drop the knife". When I went inside I was told that he was in a bedroom and that there may be an exit from the room to the basement so I went towards the back exit in the kitchen to secure that side. I observed [REDACTED] being brought out of the residence by Troopers HETTINGER, HUESTIS with the assistance of the Village of Wappinger Police and a Dutchess County Sheriff's Deputy. [REDACTED] was handcuffed behind his back with the Village of Wappinger officer holding his left arm and Trooper HETTINGER holding his right arm. The Dutchess County Sheriff's Deputy was towards the back of the group of officers bringing [REDACTED] outside. Trooper HUESTIS was walking on the right hand side in front of the group. I did not know the names of these officers. [REDACTED] was resisting walking out by refusing to walk, flailing and squirming his upper body, spitting in the directions of the officers, and yelling "fuck you cocksuckers" at the troopers and officers while they were escorting him out. I was still in the residence in the living room towards the kitchen, behind Troopers DESARLE and FENNEL while they were walking [REDACTED] outside. No one else was standing beside me. While the group of officers were walking [REDACTED] outside, I saw [REDACTED] kicking his legs in an attempt to become deadweight and become more difficult to move outside. I saw Trooper HUESTIS grab [REDACTED] right leg to try and control him to make him easier to move while they were just getting outside onto the front steps. I saw the officers get [REDACTED] onto the porch and lost view of them until I got closer to them. My view was partially obstructed by the officers in front of me as I was still in the residence. I moved towards the exit to where the officers and [REDACTED] were and [REDACTED] sitting on the steps and spitting in the general direction of the officers when Trooper HETTINGER told me to get a spit sock. I went

through the back of the house to 2K15 to retrieve a spit sock to attempt to stop [REDACTED] from spitting at the officers. I did not see [REDACTED] face until after I retrieved the spit sock I walked over to the group of officers with [REDACTED] and saw [REDACTED] bleeding from his nose. I handed Trooper HETTINGER the spit sock and he placed it on [REDACTED] head. After the sock was placed on [REDACTED] he continued to shout various curses such as "fuck you cocksuckers" and "one of you mother fuckers broke my nose". [REDACTED] continued to spit at the officers with the spit sock causing the spit to be bloody. I retrieved a second spit sock and it was placed on [REDACTED] Trooper HUESTIS asked me if he had any marks on his face because [REDACTED] spat on him. EMTs one male and one female arrived and when they attempted to examine [REDACTED] he continued to use general curses asking when someone was going to fix his nose. Sergeant PUCCIO arrived around the same time as the EMTs and we briefed him on the situation. The officers and I assisted the EMTs in getting [REDACTED] onto a stretcher. At this point [REDACTED] was still kicking his legs to resist and TROOPERS DESARLE and I each held down a leg so the EMT could secure them. The female EMT sedated [REDACTED] and gave him pain medication. [REDACTED] was transferred on to the ambulance and Trooper HUESTIS went with Sergeant PUCCIO to receive medical attention. Another Village of Wappinger Officer was on scene however I do not know when exactly he arrived. I was still on scene having a conversation with the other officers and asked what happened to [REDACTED] because I did not see Trooper HUESTIS or any other officer hit [REDACTED], someone, I do not remember specifically who said "I think HUESTIS hit him". I did not witness contact being made between with the troopers, or officers and [REDACTED]. I did not witness and injuries to any involved parties. I was not injured in any way during this encounter.

DEFENDANT(S)

**LOCATION OF INCIDENT:**

STATE OF NEW YORK, LOCAL CRIMINAL COURT  
COUNTY OF Dutchess  
Village OF Wappingers Falls

**LOCATION OF DEPOSITION:**

STATE OF NEW YORK  
COUNTY OF Dutchess  
Town OF Poughkeepsie

On DATE: 7/4/19 at TIME STARTED: 9:46  AM  PM I, FULL NAME: Geroge Lebron

STATE THE FOLLOWING:

On May 26, 2019, I was working as the Paramedic with Mobil Life Services and arrived at [REDACTED] in the Village of Wappingers Falls, NY. after responding to a call for an Officer needing medical attention. We arrived on the scene and I saw a Sergeant from the NYSP speaking with another Trooper. I spoke with the Trooper who stated that he was spit on in the eye and that his hand was sore. The Trooper advised that his hand was sore from pulling the patient out to arrest him. He said they found him under a piece of furniture. The Trooper told me that his hand was injured while moving the patient outside and that during that time he was handcuffed, still resisting and very agitated. I sent the Trooper to see my partner, Emergency Medical Technician C. Grotzer, in the ambulance for treatment. I then assisted Medic Grace Aguilar with patient care. The patient had a spit mask on with blood coming from his nose and mouth. The patient was handcuffed behind his back. The patient was having his feet restrained by a female Trooper. Medic Grace Aguilar told me that the patient spit in her mouth. I assisted Medic Aguilar with sedating the patient. The patient was very agitated, squirming around and experiencing "excited delirium". The patient was sedated using the excited delirium protocol. The patient was moved to the ambulance and transported to MHR E.R. I did not witness the patient spitting on anyone. I did not witness anyone hit the patient.

**NOTICE**

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury  
this 4 day of JULY, 20 19

- or -

\*Subscribed and Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\* This form need be sworn to only when specifically required by the court.

[Signature]  
(SIGNATURE OF DEPONENT) – Geroge Lebron

(WITNESS) [Signature] TIME ENDED 10:15  AM  PM  
(NAME OF PERSON TAKING DEPOSITION)

DEFENDANT(S)

**LOCATION OF INCIDENT:**  
 STATE OF NEW YORK, LOCAL CRIMINAL COURT  
 COUNTY OF Dutchess  
 Village            OF Wappingers Falls

**LOCATION OF DEPOSITION:**  
 STATE OF NEW YORK  
 COUNTY OF Dutchess  
 Town            OF Poughkeepsie

On DATE: 7/4/19 at TIME STARTED: 9:48  AM  PM I, FULL NAME: Christopher A. Grotzer

STATE THE FOLLOWING:

On May 26, 2019, I was working as the Emergency Medical Technician with my partner, Paramedic George Lebron, for Mobil Life Services. We were dispatched as the back up crew to [REDACTED] in the Village of Wappingers Falls, NY to a report of an Officer needing medical attention. Upon arrival I began assessing the situation and spoke with Officers on the scene to see if anyone required medical assistance. One Trooper had a complaint of being spit on by the patient and it going in his eye. I treated the Trooper with normal saline flushes to copiously irrigate the eye of exposure. The Trooper stated that during the removal of the patient from the home, the patient was aggressive and spit in his face. I advised the Trooper that he should seek further medical attention for exposure of pathogens and he stated that his Sergeant would take him to the hospital for evaluation. At no time did I witness any acts of aggression from anyone at the scene. I did not see anyone hit the patient and I did not see the patient spit on anyone. The patient on the stretcher appeared irritated. After treating the Trooper, the Medic from the primary crew reported that the patient had also spit in her mouth and on her face. She stated that she would be seen at the hospital upon arrival of after patient transport. The Trooper made no other complaints aside from bodily fluid exposure to his eye. I do not recall the Trooper voicing any other injuries.

**NOTICE**

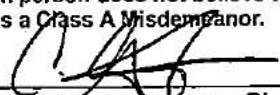
(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury  
 this 4 day of JULY, 20 19  
 - or -

\*Subscribed and Sworn to before me  
 this            day of           , 20           

\* This form need be sworn to only when specifically required by the court.

  
 (SIGNATURE OF DEPONENT) - Christopher A. Grotzer

(WITNESS) LEAH HEANEY TIME ENDED  AM  PM  
 (NAME OF PERSON TAKING DEPOSITION) 0:17



SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK  
VS

DEFENDANT(S)

**LOCATION OF INCIDENT:**

STATE OF NEW YORK, LOCAL CRIMINAL COURT  
COUNTY OF Dutchess  
Village OF Wappingers Falls

**LOCATION OF DEPOSITION:**

STATE OF NEW YORK  
COUNTY OF Dutchess  
Town OF Wappinger

DATE:

07/19/19

TIME STARTED:

11:58

AM  
 PM

FULL NAME:

Grace Aguilar

STATE THE FOLLOWING:

On May 26, 2019, I was working as a Paramedic with my partner, Emergency Medical Technician Linsky Lundy, for Mobil Life Services when we were dispatched to [REDACTED] in the Village of Wappingers Falls, for a psychiatric emergency. When we arrived and approached the porch we observed the patient sitting on the porch steps, his face was bloody and he was wearing a spit mask. The patient was handcuffed behind his back; he was being belligerent and yelling "fuck you, fuck you people" and continually spitting through the mask. The patient at one point spit on my face and into my mouth, so we applied a second spit mask. During this time I heard someone say something about someone hitting him. I do not recall specifically who or what was said but I remember the patient saying something like "they fucking hit me". Before we tried to get the patient onto the stretcher and into the ambulance I asked if anyone else was injured. A Trooper, I do not know his name, raised his hand and stated that he was and stated something to the effect of "my hand is sore, I hurt my hand, he spat on me and we had to put a mask on him". I do not remember exactly what the Trooper said. I then quickly looked at the Troopers hand but since the other ambulance crew was there I had them attend to that Trooper. When we tried to get the patient onto the stretcher it was difficult. He was continually yelling and wiggling around. He was trying to kick us so we had to secure his ankles to the stretcher. Then I sedated him. We got him loaded onto the ambulance. I rode in the back of the ambulance to continue treatment of the patient on the way to the hospital. A Wappingers Police Officer, I don't not know his name, rode in the back of the ambulance with us. During the transport the patient was continually belligerent and yelling

**NOTICE**

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury

this 19 day of JULY, 20 19

- or -

\*Subscribed and Sworn to before me

this day of , 20

\* This form need be sworn to only when specifically required by the court.

(SIGNATURE OF DEPONENT) - Grace Aguilar

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

12:08

AM  
 PM

6-12

THE PEOPLE OF THE STATE OF NEW YORK VS. \_\_\_\_\_  
DEFENDANT(S)

"fuck you" and he kept trying to spit on us. He never said anything about his injury to me. Once we got to the hospital we turned the patient over to hospital staff. During this call for service and my time in the presence of the patient I never saw anyone hit the patient.

**NOTICE**

(Penal Law Sec. 210.45)

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

Affirmed under penalty of perjury

this 19 day of JULY, 20 19

- or -

\*Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

*K. Grace Aguilar*  
\_\_\_\_\_  
(SIGNATURE OF DEPONENT) - Grace Aguilar

(WITNESS)  
*P. B. HEALEY*  
\_\_\_\_\_  
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED  AM  
12:08  PM

\* This form need be sworn to only when specifically required by the court.

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK  
-- vs.

Defendant(s)

<p style="text-align: center;"><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>DUTCHESS</u></p> <p>TOWN of <u>WAPPINGER</u></p>	<p style="text-align: center;"><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>ORANGE</u></p> <p>CITY of <u>NEWBURGH</u></p>
--	--

Date On <u>08/12/2019</u>	at <u>04:02 PM</u>	I, <u>[REDACTED]</u>
Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>[REDACTED]</u>
		State <u>NY</u>

State The Following:

My name is [REDACTED] and I am speaking with Sergeant Nicholas Galipani of the New York State Police. On May 26, 2019 I was in my friend's house, [REDACTED] on [REDACTED] filling out paperwork when I heard an argument outside. I then went outside in the driveway where I saw police and road blocks. I saw the father outside telling the police where the weapons were in the house. There were State Troopers, Wappinger Police and other agencies there. When the police brought him outside on the porch, he was fine. Then him and his dad were having words and something triggered him off. That's when he started getting physical and belligerent. The police then had to take him to the ground at the bottom of the stairs. He was bleeding when the police took him to the ground but I did not see how it happened. Two ambulances showed up and put him on the stretcher where he was spitting. He was spitting before and after he got onto the stretcher. They were trying to check him out but he did not stop so they put the spit bag on him. The father said, "you did this to yourself." He kept on asking his dad to call his girlfriend but his dad wouldn't listen. They then put him in the ambulance. The police there were trying to keep him calm.

**Notice**

(Penal Law §210.45)

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

Affirmed under penalty of perjury

this 12 <sup>TH</sup> day of AUGUST, 2019

[REDACTED SIGNATURE]

- OR -

\* Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

(WITNESS)  
SBTNS Journal #4357  
 (NAME OF PERSON TAKING DEPOSITION)  
SBT NICHOLAS GALIPANI #4357  
 Time Ended  
08/12/2019 04:20 PM

\* This form need to be completed, when specifically required by the court.



NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK  
-- vs. --

Defendant(s)

<u>INCIDENT LOCATION:</u>	<u>LOCATION OF DEPOSITION:</u>
STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT	STATE OF NEW YORK
COUNTY OF <u>DUTCHESS</u>	COUNTY OF <u>ORANGE</u>
TOWN of <u>WAPPINGER</u>	CITY of <u>NEWBURGH</u>

Date On <u>08/12/2019</u>	at <u>04:23 PM</u>	Time Started	Full Name: i, <u>[REDACTED]</u>
Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>[REDACTED]</u>	State NY

State The Following:

My name is [REDACTED] and I am speaking with Sergeant Nicholas Gallipani of the New York State Police. On May 26, 2019 we were at [REDACTED] house on [REDACTED] when [REDACTED] said there was something going on outside. By the time I got outside, the police had the gentleman on the ground with one of the spit bags over his head already. He was begging his mother and father to call a girl, possibly his girlfriend. The father said to his son, "you did this to yourself." That's when the paramedic showed up and pulled out the stretcher. They got him on the stretcher and he was calm for a little bit until he saw the paramedic with a needle and vile. At that point he started spitting again and they stuck another net over his face. I then noticed the blood because of the white sheet over his face. I did not see how he got his injury but saw that he was bleeding. I then went inside to finish my laundry.

Notice

(Penal Law §210.45)

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

Affirmed under penalty of perjury

this 12 <sup>TH</sup> day of AUGUST, 2019

[REDACTED]

- OR -

\* Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

\* This form need be sworn to only when specifically required by the court

(WITNESS)  
 SGT NICHOLAS GALLIPANI #4357  
 (NAME OF PERSON TAKING DEPOSITION)  
 Time Ended  
 08/12/2019 04:34 PM



**DIGITAL PHOTO RECORD**

**INSTRUCTIONS:**

- Complete a separate form for each investigation
- Print or type all entries

E-16

STATION <b>SP Wappinger</b>	CASE NUMBER [REDACTED]	FIU LEAD NUMBER	INCIDENT DATE <b>05/26/2019</b>	PHOTO DATE <b>05/26/2019</b>	TIME BEGAN: <b>7:15PM</b> COMPLETED: <b>7:20PM</b>
INVESTIGATING MEMBER <b>Sergeant Lawrence A. Puccio</b>			PHOTOGRAPHER'S NAME <b>Sergeant Lawrence A. Puccio</b>		

CASE TYPE <b>On-Duty Injury / Injury to Person in Custody</b>	COMPLAINANT - DEFENDANT - OPERATOR - DECEASED <b>NYSP / [REDACTED]</b>
COUNTY <b>Dutchess</b>	ADDRESS OR LOCATION [REDACTED] <b>Wappingers Falls NY 12590</b>

GENERAL DESCRIPTION OF SCENE / ITEM(S)  
**Trooper and Suspect injuries**

ACTION REQUESTED  
 Burn To CD/DVD    Print \_\_\_\_\_    Retain

CAMERA <b>Nikon</b>	IMAGE TYPE OR FILE FORMAT <input checked="" type="checkbox"/> JPEG <input type="checkbox"/> TIF <input type="checkbox"/> Raw	PAGE # <b>1</b> OF <b>1</b>	DATE SUBMITTED TO FIU <b>05/27/2019</b>	MANNER SUBMITTED: (Check one) <input checked="" type="checkbox"/> CD/DVD <input type="checkbox"/> E-MAIL <input type="checkbox"/> Other _____
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IMAGE#	CAMERA PHOTO ID#	DESCRIPTION:	IMAGE#	CAMERA PHOTO ID#	DESCRIPTION:
1	001	[REDACTED]	39		
2	002	Trooper James E. Huestis right hand	40		
3	003	Trooper James E. Huestis left hand	41		
4	004	Trooper James E. Huestis	42		
5	005	Facial of Trooper James E. Huestis	43		
6	006	[REDACTED] on stretcher	44		
7	007	[REDACTED] on stretcher	45		
8	008	[REDACTED] on stretcher	46		
9	009	Stairwell / Porch	47		
10	010	Blood on stair landing	48		
11	011	Facial of [REDACTED]	49		
12	012	[REDACTED]	50		
13	013	Facial of [REDACTED]	51		
14			52		
15			53		
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38			76		

**Photo Sheet**

Photo 2 of 13

Case # [REDACTED]





**Photo Sheet**

Photo 3 of 13

Case # [REDACTED]

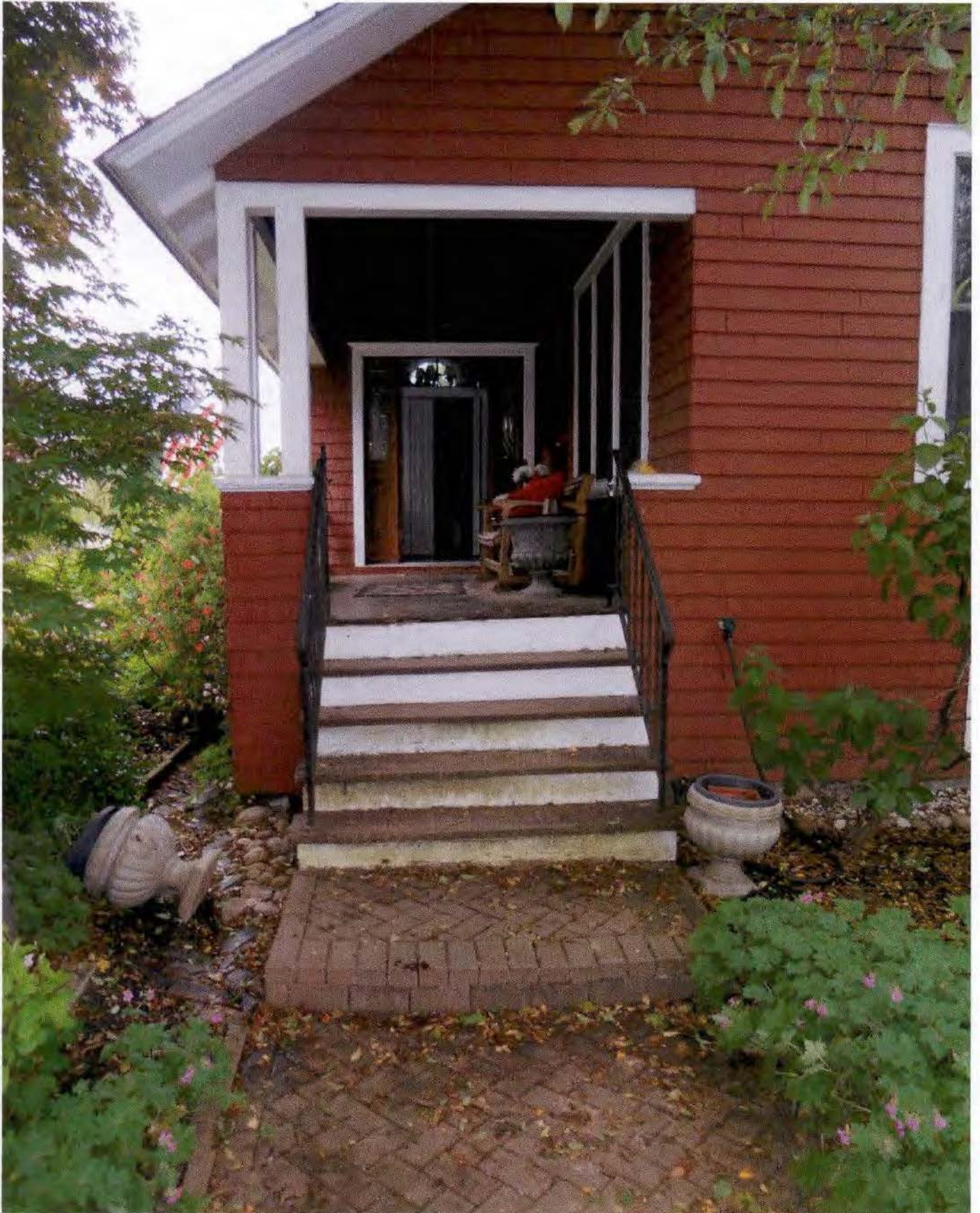




**Photo Sheet**

Photo 9 of 13

Case # [REDACTED]





**Photo Sheet**

Photo 10 of 13

Case # [REDACTED]



E-19



# Administrative Message Report

AMENDED

05/26/2019 11:01

Print/Run Date 05/26/2019

AMS # [REDACTED] SUS # [REDACTED]

Date/Time Reported/Discovered	Agency ORI	TZS
05/26/2019 18:38	NYSP WAPPINGER	K211

**Message**  
 ASSIST OTHER AGENCY, INJURY TO PERSON - WHILE IN CUSTODY, ON DUTY INJURY, ON DUTY INJURY - EXPOSURE TO COMMUNICABLE DISEASE

Investigated By	Units Responded	Photos YES	Videotape NO
SERGEANT LAWRENCE A. PUCCIO	UF		

**Narrative**

On May 26th, 2019 at approximately 6:38 pm, SP Wappinger Troopers James E. Huestis, Andrew J. Hettinger, Catherine R. Desarle, Samantha J. Fennell and Alexandra A. Bonilla responded to a 911 call at [REDACTED], W/Wappinger Falls to assist the W/Wappinger Falls PD with an EDP with a knife. The suspect, [REDACTED] was located in the residence within a confined space brandishing a kitchen knife which he eventually dropped and was taken into custody after a brief struggle. As he was being escorted out of the residence, onto the porch, the suspect continued to be highly combative by kicking, flailing and threatening harm towards the Troopers and Officers. In an attempt to safely traverse down a set of stairs, Trooper Huestis grabbed the leg of the suspect, who then spat in Trooper Huestis's face and into his left eye. Trooper Huestis then struck the suspect in the nose with a closed right fist to stop the suspect's aggressive behavior towards him and the other Officers. The suspect continued to resist and spit at the officers and was eventually sedated by responding EMS who transported him to Mid-Hudson Regional Hospital for a mental health evaluation and an apparent nose injury. Sergeant Lawrence A. Puccio responded to the scene to investigate and subsequently transported Trooper Huestis by Division vehicle to the Mid-Hudson Regional Hospital for a minor injury to his right hand and for the exposure of bodily fluids.

**Extended Narrative 1**

[REDACTED] Mr. [REDACTED] was kept sedated by the hospital staff and diagnosed with a broken nose and held for further evaluation. ARS number to be obtained during next business day.

Captain Paul M. DeQuarto, Zone II Commander, was notified by Sergeant Puccio.

**Addendum 1**

ARS contacted, todays date and number#00601779 was assigned.

Actual address of incident: [REDACTED] Wappingers Falls.

# Vehicles	# Injured	# Deceased	Apparent Cause
0	2	0	PENDING INVESTIGATION

County	CITY Name	Location\ Street Name \ Mile Post Marker
DUTCHESS	WAPPINGERS FALLS, VILLAGE OF - 1424	[REDACTED]

Weather Conditions	Road Conditions
2 - CLOUDY	1 - DRY

Description of Damage  
NONE

Criminal Action  
MENTAL HEALTH LAW 9.41

Sent Date \ Sent Time	Sent By	Authorized By
05/26/2019 23:40	PUCCIO LAWRENCE	CAPTAIN PAUL M. DEQUARTO

Notification ZONE

**Driver Information 1**

Driver Name	DOB	Gender	License State	Chemical Test	NO
				Driver Charged	NO
Address	City	State	Zip		

Violations

Driver Member?	Member Rank	Date of Entry	Member Shield	Member Shift
NO	CAPTAIN			

**Owner Information 1**

Name (exactly as printed on registration)

Address	City	State	Zip
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Insurance Company and Code

**Vehicle Information 1**

License Plate #	State	Vehicle Year	Make	VIN #
Van #	Mileage			
School Bus	NO	Front Airbags Deployed	NO	
Comm. Veh.	NO	Side Airbags Deployed	NO	
NYSP Veh.	NO	Fire Suppression Deployed	NO	

Equipment Damage	NO	Equipment Damage Description
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**Injured \ Deceased Person Information 1**

Injured \ Deceased **INJURED**

Injured \ Deceased Name	DOB	Gender	Race	Approx Age
HUESTIS, JAMES E	[REDACTED]	M	2 - WHITE	[REDACTED]
Address	City	State	Zip	
1220 WASHINGTON AVENUE	ALBANY	NY	12226	
Description of Injury	[REDACTED]			

Injured Taken To (Medical Facility)	Position in Vehicle
MID-HUDSON REGIONAL HOSPITAL	

In Custody	Seat Belt	Ejected	Relative Notified
NO	NO	NO	NO

Driver Member?	Member Rank	Date of Entry	Member Shield	ARS #
YES	TROOPER	04/21/2008	3192	

**Injured \ Deceased Person Information 2**

Injured \ Deceased **INJURED**

Injured \ Deceased Name	DOB	Gender	Race	Approx Age
[REDACTED]	[REDACTED]	M	2 - WHITE	[REDACTED]

<b>Address</b> [REDACTED]	<b>City</b> WAPPINGERS FALLS	<b>State</b> NY	<b>Zip</b> 12590
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**Description of Injury**  
BROKEN NOSE

<b>Injured Taken To (Medical Facility)</b> MID-HUDSON REGIONAL HOSPITAL	<b>Position in Vehicle</b>
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<b>In Custody</b> YES	<b>Seat Belt</b> NO	<b>Ejected</b> NO	<b>Relative Notified</b> NO
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<b>Driver Member?</b> NO	<b>Member Rank</b>	<b>Date of Entry</b>	<b>Member Shield</b>	<b>ARS #</b>
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**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station East FishkillDate September 25, 2019

**To:** Major Richard L. Mazzone, Troop Commander, Troop K

**From:** Sergeant Lawrence A. Puccio 

**Subject:** INJURY TO PERSON WHILE IN CUSTODY

On May 26<sup>th</sup>, 2019, at approximately 6:57PM, I responded to the residence located at [REDACTED] [REDACTED] in the Village of Wappingers Falls after receiving a telephone call from Trooper JAMES E. HUESTIS who advised me that he had just struck a subject in the face, after having been spat on, by said subject.

Upon my arrival, I observed Troopers HUESTIS, ALEXANDRA A. BONILLA, ANDREW J. HETTINGER, CATHERINE R. DESARLE, SAMANTHA J. FENNELL, Officer GEOFF A. WEAVER, NICHOLAS M. CARMINE of the Village of Wappingers Falls Police Department and Dutchess County Sheriff Deputy IAN M. CONNER attempting to restrain a combative male subject who was seated on the ground and handcuffed behind his back at the base of a set of stairs, leading to the porch of the residence. The subject was identified as [REDACTED] [REDACTED] and he was bleeding profusely from the facial area. Due to Mr. [REDACTED] uncontrollable and aggressive behavior, Mr. [REDACTED] was ultimately sedated by responding Mobile Life Support Ambulance personnel GRACE M. AGUILAR and LINSKY LUNDY, prior to transport to Mid-Hudson Regional Hospital for treatment. I was not able to interview [REDACTED] at the scene. I did secure photographs of the scene and of Mr. [REDACTED] person.

Trooper HUESTIS advised me that the State Police were dispatched to the scene to assist the Village of Wappingers Falls Police with a report of an EDP with a knife. Trooper HUESTIS advised me that Trooper HETTINGER, Officer CARMINE and Deputy CONNER located Mr. [REDACTED] within the residence in a confined space, brandishing a small kitchen knife. Ultimately Mr. [REDACTED] dropped the knife and after a brief struggle, Mr. [REDACTED] was handcuffed behind the back. Trooper HUESTIS advised that Mr. [REDACTED] was combative as he was being escorted out of the residence by Trooper HETTINGER, Officers WEAVER and CARMINE and Deputy CONNER, by means of kicking, flailing and verbally threatening harm against them. Trooper HUESTIS then stated that Mr. [REDACTED] had to be safely escorted down a set of stairs

leading from the porch of the residence to ground level, at which time he stood in front of Mr. [REDACTED] grabbing at his legs as the others lifted. Trooper HUESTIS stated that Mr. [REDACTED] then lunged forward while in close proximity to him, spitting saliva directly into his face which also entered his left eye. Trooper HUESTIS stated that he defensively reacted by striking Mr. [REDACTED] in the face with his right fist. Trooper HUESTIS advised that the strike caused injury, as Mr. [REDACTED] started to bleed profusely. Trooper HUESTIS stated that Mr. [REDACTED] was then seated on the ground for EMS arrival, after having been lifted down from the stairs. Troopers and other officers on scene were unable to render first aid since Mr. [REDACTED] continued with his combative behavior until he was sedated by responding EMS personnel. Trooper HUESTIS reported to me that he was experiencing minor pain and swelling to his right hand as a result of the strike to Mr. [REDACTED] face. I secured photographs of Trooper HUESTIS prior to transporting him by Division vehicle to the Mid-Hudson Regional Hospital for a medical evaluation.


[REDACTED]

Mr. [REDACTED] was treated for a broken nose and remained sedated at the hospital for further treatment to include a mental evaluation. I secured photographs of Mr. [REDACTED] at the hospital and no interview took place due to his sedated and uncooperative state.

I later learned that [REDACTED] Father, [REDACTED] was on-scene at the time of the incident, however he was not interviewed by me until June 9<sup>th</sup>, 2019.

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station SP WappingerDate June 3, 2019

**To:** Major Richard L. Mazzone, Troop Commander, Troop K

**From:** Trooper James E. Huestis 

**Subject:** INJURY TO PRISONER WHILE IN CUSTODY

On May 26, 2019 at approximately 6:30 PM, Dutchess County 911 polled for additional units to assist the Village of Wappinger Falls Police Department with an emotionally disturbed person in possession of a knife at [REDACTED] [REDACTED] in the Village of Wappinger Falls. Upon my arrival, Trooper ANDREW J. HETTINGER, Trooper SAMANTHA J. FENNEL, Trooper CATHERINE R. DESARLE and Trooper ALEXANDRA A. BONILLA were on scene at the residence. I took an exterior post outside the residence at [REDACTED] [REDACTED] in the Village of Wappinger Falls because we did not know where the suspect identified as [REDACTED] was. I heard Trooper HETTINGER giving commands to put a knife down and then they heard [REDACTED] in custody. I was on the front porch as [REDACTED] was being escorted out of the residence. [REDACTED] was being combative, attempting to kick and headbutt the officers involved. I moved closer in an attempt to assist in securing [REDACTED] at which time he spit at me striking me in the face while attempting to headbutt me. I feared his continued action would cause injury to myself or other police officers on the scene. In an effort to gain control [REDACTED] I struck him once with a closed fist to the face, which allowed the other police officers and I to further secure [REDACTED] I reassessed and determined no further force was necessary. Mobile Life Support Ambulance then transported the [REDACTED] to Mid-Hudson Regional Medical Center in Poughkeepsie, New York. I was then transported by Sergeant LAWRENCE PUCCIO to Mid-Hudson Regional Medical Center for medical evaluation as I had minor pain and swelling to my right hand.

## NEW YORK STATE POLICE

## MEMORANDUM

Troop K Station SP WappingerDate May 29, 2019

**To:** Major Richard L. Mazzone, Troop Commander, Troop K

**From:** Trooper James E. Huestis

**Subject:** INJURY TO PRISONER WHILE IN CUSTODY

On May 26, 2019 at approximately 6:30 PM, Dutchess County 911 polled for additional units to assist the Village of Wappinger Falls Police Department with an emotionally disturbed person in possession of a knife at [REDACTED] [REDACTED] in the Village of Wappinger Falls. Upon my arrival, Trooper ANDREW J. HETTINGER, Trooper SAMANTHA J. FENNEL, Trooper CATHERINE R. DESARLE and Trooper ALEXANDRA A. BONILLA were on scene at the residence. I took an exterior post outside the residence at [REDACTED] in the Village of Wappinger Falls because we did not know where the suspect identified as [REDACTED] was in the residence. I heard Trooper HETTINGER was giving commands to put a knife down so I entered the residence through the front door to assist. I took a backup position behind Officer GEOFFREY WEAVER of the Village of Wappinger Falls Police Department, on the outside of a rear bedroom door. Officer WEAVER and I could not gain entrance into the room because [REDACTED] was in a storage closet behind the door and if we opened the door it would block the storage closet where he was located. I heard Trooper HETTINGER in the rear of the bedroom engaged with [REDACTED], giving verbal commands to drop the knife. Village of Wappinger Falls Police Officer NICHOLAS CARMINE and Dutchess County Sheriff Deputy IAN CONNOR were in the rear bedroom assisting Trooper HETTINGER. Once I heard them removing the [REDACTED] from the storage closet, Officer WEAVER and I entered the room to assist in handcuffing [REDACTED]. I walked out of the room so they could get [REDACTED] onto his feet and get him to the ambulance. I was on the front porch near the stairs, while [REDACTED] was being escorted out of the residence, he was being highly combative by kicking and flailing his body and screaming that he would kill the police. While I was attempting to keep [REDACTED] safe by gaining control of his legs, he then spit in my face and said, "Fuck You." I then proceeded to gain control of the combative suspect with a closed hand fist strike to the [REDACTED] face to gain compliance. A spit sock was placed over his head. Mobile Life Ambulance then transported the suspect to Mid-Hudson Regional Medical Center in Poughkeepsie, New York. I was then transported by Sergeant LAWRENCE PUCCIO to Mid-Hudson Regional Medical Center for evaluation.



MEMBER TARGET - NON-CUSTODIAL INTERROGATION

STATE OF NEW YORK  
COUNTY OF DUTCHESS  
TOWN OF WAPPINGER

OCTOBER 4, 2019

This Statement is taken from Trooper James E. Huestis at SP Wappinger on October 17, 2019, by Captain Paul M. DeQuarto and Lieutenant Peter B. Healey, commencing at 10:57am

The letter "C" will denote questions asked by Captain Paul M. DeQuarto  
The letter "Q" will denote questions asked by Lieutenant Peter B. Healey  
The letter "A" will denote answers provided by Trooper James E. Huestis  
The letter "L" will denote comments from Ms. Maria Morris  
The letter "P" will denote comments from PBA representative Sergeant Michael Collier

Q. The purpose of this interrogation is to inquire into your activities as a Member of the New York State Police. Specifically, it has been alleged that on May 26, 2019, you struck one [REDACTED] [REDACTED] with a closed fist in the nose causing an injury. Mr. [REDACTED] was handcuffed and in custody when you allegedly struck him.

This interrogation is being conducted pursuant to the Article 16 of the PBA Collective Bargaining Agreement and the Regulations of the New York State Police, including 8A3 and 8A15.

You have the right to contact and consult with a union representative or attorney before being interrogated, and to have a union representative or attorney of your choosing present during the interrogation. Do you understand this?

A. Yes.

Q. You are not under arrest. However, Article 16 and the applicable Regulations require you to cooperate and answer truthfully questions relating to the allegations. A refusal by you to cooperate or to answer questions, or a failure to answer any questions truthfully, may result in disciplinary action against you, up to and including the termination of your employment. Do you understand this?

A. Yes.

Q. You are entitled to all the rights guaranteed by the State and Federal constitutions. As this is an involuntary statement, your responses during this interrogation are automatically

cloaked with criminal immunity. Accordingly, neither your statements nor any information or evidence that is gained as a result of, or in reliance upon, this interrogation can be used by a police or prosecutorial entity against you in support of a criminal proceeding. Do you understand this?

A. Yes

Q. Are you being represented at this time and if so, by whom?

A. Yes, by Maria D. Morris deputy gen ah counsel and Michael Collier, PBA Delegate.

Q. It should be noted that ah, Sergeant Michael Collier is sitting in for the Troop K Delegate Trooper Maurice Coley who was unavailable today. You were advised on October 1, 2019 f the matter being investigated and that it would be necessary for you to give a statement concerning this matter, is that correct?

A. Yes.

Q. I am Lieutenant Peter B. Healey and as a supervising officer and representative of the Superintendent I am authorized to conduct this interrogation. This interrogation is being recorded mechanically at SP Wappinger Zone Headquarters. A full transcript will be prepared and you will be provided with a copy of the tape or will be afforded an opportunity to cause a duplicate of this tape to be made for your future use. You will be given the opportunity to view the written transcript from this tape upon completion to ensure its accuracy, and will also be provided a full copy of the transcript, subsequent to your signature. Do you understand this?

A. Yes

Q. Also, present in the room is Zone Sergeant Mark Conway, Zone 2 Zone Sergeant, do you understand this?

A. Yes

Q. The record will note that you are present in response to a direct order. Trooper Huestis you will now be asked questions relating to the performance of your official duties and you are required to answer these questions. If you decline or refuse to answer any questions, you will be ordered by me to answer. If you then continue in your refusal to answer, disciplinary action will be initiated charging you with disobeying a lawful order. This disciplinary action could result in the termination of your employment with the Division of State Police. You will be permitted during this statement to take breaks when reasonable and appropriate. Having been advised of the above, are you now ready to proceed with this interrogation?

A. Yes.

Q. Please state your full name and rank.

A. Trooper James E. Huestis

Q. What is your date of entry with the Division of State Police?

A. April 21, 2008

Q. What is the location of your current assignment?

A. Patrol of SP Wappinger

Q. On May 26<sup>th</sup>, you patrolled to [REDACTED] in the Village of Wappingers Falls, NY. Is that correct?

A. Yes

Q. What was the nature of that call for service?

A. To assist the Village of Wappinger Police with the MHL.

Q. Who was the subject of that call?

A. I believe it was [REDACTED] [REDACTED]

Q. Please describe what you observed when you arrived at [REDACTED]

A. I saw a chaotic scene of Troopers trying to be put into a situation where somebody had a knife at that time.

Q. Were you the first State police member there?

A. No.

Q. Ok. What other Law Enforcement personnel, both State Police Members and other agency personnel were there?

A. Village of Wappingers Police where there.

Q. Who?

A. I don't remember their names.

Q. Ok.

A. I think one was Officer Weaver at the Village I don't know the other names.

Q. Ok.

A. The Dutchess County Sheriffs I believe were there.

Q. Ok. Who? Do you know who?

A. I don't know the names.

Q. Ok.

A. And the State Police

Q. What Members?

A. Trooper Desarle, Trooper Bonilla, Trooper Hettinger, and Trooper, there was one other Trooper, her name will come to me in a second. Trooper Fennell

Q. Did you speak with the other officers when you arrived?

A. Yes.

Q. Who did you speak with?

A. Trooper Fennell, Trooper Bonilla and Trooper Desarle.

Q. And what did you discuss?

A. To secure the perimeter so that the individual, the suspect, didn't try to escape the house.

Q. They were on scene when you arrived?

A. Yes, we arrived on scene together.

Q. Ok. Together or at the same or around...

A. Around the same time.



- Q. Ok. And you all got together and discussed what to do? Is that what you're saying?
- A. Correct.
- Q. And that was to what?
- A. Secure the scene as best possible, secure the incident, the perimeter.
- Q. Did there come a time when you entered the residence to look for Mr. [REDACTED]
- A. Yes.
- Q. What did you do when you went inside?
- A. I went in to make sure everyone was secure at the bedroom once they located him.
- Q. Where were you standing?
- A. I was standing in the hallway at that time, when I first entered, behind Office Weaver
- Q. Who entered the residence to search for Mr. [REDACTED]
- A. To search for him? It was a Village Officer that I didn't know, a Dutchess County Sheriffs and Trooper Hettinger.
- Q. Ok, so in relation to inside the house, where was Trooper Hettinger?
- A. By that time, he was in the back bedroom.
- Q. Ok.
- L. You talking about when he went into the house, when he went into
- Q. Yeah, yes
- L. When Trooper Huestis went into the house
- Q. Yes, this is your observation so,
- A. Right.
- Q. So, I'm going to ask you where saw, where was Trooper Desarle?

A. She was behind me to the left.

Q. Ok.

A. It was Trooper, it was the Officer Weaver.

Q. Where was Trooper Bonilla?

A. At the time, I was, where I was she was on the other side of the wall but I had to move her.

Q. Other side of the wall in the residence?

A. Yes.

Q. Ok. Where was Trooper Fennell?

A. Same spot.

Q. Where was the Village of Wappinger, Detective Weaver?

A. He was right in front of me.

Q. Are you familiar with Detective Weaver from other...

A. Yes.

Q. Ok, and where was the Village Officer Carmine?

A. Was he the other Officer there? I don't know who that is.

Q. Ok, yes he was.

A. Ok, then he was in that room with Trooper Hettinger.

Q. Ok, where was DCSO Deputy?

A. I believe he was in the room too because there was three of them in there.

Q. Ok.

A. So, I believe he was in that room also.

Q. Were you familiar with him, do you know him?

A. No.

Q. Ok. Once Mr. [REDACTED] was located did you assist the other Officers in escorting him out of the residence?

A. Not escort, I helped to get him into custody in the back bedroom and then I left that scene to the front porch, once he was handcuffed.

Q. Ok. How did you help get him into custody?

A. Once they pulled him out of where he was and we were able to open the door, Officer Weaver and I went in there and were able to help them to get his arms behind his back.

Q. Ok. So as Mr. [REDACTED] is being escorted from the residence did you help them?

A. Inside the residence? No.

Q. Ok. As he's being escorted out, out of the residence, did you help them?

A. I was on the front porch, yes.

Q. Ok. Describe Mr. [REDACTED] demeanor when he was being escorted from the residence?

A. He was very combative, flailing, more so right when he was coming out of the residence.

Q. Can you describe, He was handcuffed correct?

A. Yes.

Q. Behind his back. How can you describe the flailing then, can you describe that for me? A little bit.

A. He was moving head front back and I believe it was his left leg was kicking out, because there was one officer to his right arm and one officer behind him, there was nobody on the left side so he was more combative on that side and that was what he was doing.

Q. Ok. So, as he's being escorted from the residence how was he in custody how was he secured?

A. He had handcuffs on and there was one officer to the right of him and one officer behind him.

- Q. Behind him, do you know who those officers were?
- A. I believe it was officer Weaver and Trooper Hettinger, I'm not sure which was, I don't recall which one was in which spot.
- Q. As he's being escorted from the residence where were you standing?
- A. When he first came out of the residence I was on, right outside the doorway on the top decking. As he was getting out and they got had control over him I thought they were going to fall down the two steps so I went to the bottom of the steps.
- Q. Ok. So, at this time when he's being escorted down the steps who else is on the porch?
- A. Officer Weaver and Trooper Hettinger is all I remember.
- Q. Ok, where was Trooper Desarle at this point?
- A. I don't, I don't know.
- Q. And where was Trooper Fennell at this point?
- A. I have no idea.
- Q. And where was trooper Bonilla at this point?
- A. I don't know.
- Q. Where was the Deputy at this point?
- A. I didn't see him.
- Q. Ok. Did there come a time when you assisted other Officers at the scene with escorting Mr. [REDACTED] [REDACTED] off of the porch?
- A. I don't think so, no.
- L. Can you rephrase that question.
- P. Rephrase that a little bit.
- Q. Did you, when they were taking him down from the porch,
- A. Yes.



Q. Did you help them?

A. I tried to. And then I went down the two steps.

Q. You say you tried to help them bring him down, how did you do that?

A. I saw his leg flailing out so I went to go help that side.

Q. Do you remember which side that was.

A. That would have been his left side.

Q. So, what did you do?

A. I went to go like this and they said they got him so I went down the two steps because I said they would probably have more trouble on the stairs with him.

Q. Did you grab his left side leg?

A. No.

Q. What was Mr. [REDACTED] demeanor after he was escorted down from the porch?

A. Ah, combative still and appeared angry.

Q. Can you describe combative?

A. Flailing moving his arms and legs around and I believe he was using obscenities toward police.

Q. Did there come a time, once Mr. [REDACTED] was down from the porch, that you struck him?

A. Yes.

Q. How did you strike him?

A. With one right hand to the facial area.

Q. Open hand or closed hand?

A. Closed hand instinctively.

- Q. Why did you strike Mr. [REDACTED]
- A. Instinctively, when I got spit in the face.
- Q. Did you strike Mr. [REDACTED] slow, solely because he spit in your face.
- A. It was instructively, yes.
- Q. I have no more questions at this time, I'd like to take a break.
- C. Take a break on our end.
- Q. Alright, the time is 11:15am, take a short break
- Q. Ok, the time is now 11:21am, and we're back on record.
- C. We're now going to go over two memorandums that were, that are in our possession. I'd like to draw your attention to the first memorandum that's dated May 29, 2019 and it appears to have been authored by you.
- L. I'm sorry what was the date Captain?
- C. Actually, I'm going to correct that we're going to refer, first I'm going to refer to Memorandum dated June 3, 2019, it's to Major Rich Mazzone and it appears to have been authored by you with some initials. The subject matter is called "INJURY TO PRISONER WHILE IN CUSTODY". I'm going to ask you to take a look at this memorandum and see if it's a fair and accurate depiction of the memorandum that you submitted, in relation to this investigation. So, at this time I'm going to show you the memorandum. The content is what I'm asking you to review, the highlights and all that is, ah is from me.
- A. Yes.
- C. Ms. Morris, would you like to see it?
- L. No, um just to clarify your question was is that the memo that he actually submitted?
- C. Correct.
- L. Ok and your answer is yes? Ok, thank you.
- C. Who did you submit that memorandum to?
- A. Sergeants at SP Wappinger.

C. Who specifically?

A. I put it in the Sergeant's bin.

C. I'm going to draw your attention to a section of the memorandum that states [REDACTED] was being combative, attempting to kick and head butt the officers involved. I moved closer in, in an attempt to assist in securing [REDACTED] at which time he spit at me striking me in the face while attempting to head butt me. I feared his continued actions would cause injury to myself or the other police officers on the scene. In an effort to gain control over [REDACTED] I struck him once with a closed fist to the face which allowed the other police officers and I to further secure [REDACTED]. Do you recall adding that to your memorandum?

L. This is the same thing.

A. I just want to make sure it is.

L. We can take a time out...*illegible*

A. Take a time out.

Q. Yup, the time now is 11:24am.

Q. The time is now 11:26 and we are back on record.

C. So, Trooper Huestis to get back to my previous question. Do you recall adding that portion into your memorandum?

A. Yes.

C. Can you explain the discrepancy as to what you stated earlier about why you struck Mr. [REDACTED] and why in your memorandum it indicates a different reason as to why you struck him.

A. When Mr. [REDACTED] was coming out of the house that's when he was very combative and his head was moving in a different direction and he was flailing. I t, I stepped up to the stop step there that's when Trooper Hettinger and Officer Weaver gained compliance of him and I moved down to the bottom of the step.

C. Can you explain that at the time that you struck him and in your memorandum, you put, he spit in me, he spit at me striking me in the face while attempting to headbutt me.

A. Right his.

- L. There's no question there.
- A. Ok.
- C. You testified, or you stated earlier, that the reason you struck him in the face was instinctive because he spit in your face. In your memorandum, you put that he attempted to head butt you, is that accurate?
- A. Yes.
- C. He attempted to head butt you at the time that you struck him?
- A. His head came in a forward motion appearing to be heading butting me.
- C. Is that the reason why you struck him?
- A. No.
- C. So, can you explain why in your memorandum you wrote that?
- A. I said while he was attempting to head butt me, I felt he was attempting to head butt me.
- C. You also wrote in the memorandum in an effort to gain control of [REDACTED] I struck him once with a closed fist to his face. Is that accurate?
- A. Yes.
- C. So, the reason you struck him was an attempt to gain control of him?
- A. Instinctive, after he spit in my face and I struck him once.
- C. I just want to clarify Trooper Huestis, which one is it, did you...
- A. It was instinctive...
- C. Let me, let me answer the question, ask the question please.  
You struck him because it was instinctive to him spitting in your face? Or you struck him to gain control of him?
- A. Instinctive for him spitting in my face.
- C. Can you explain why you put that in your first memorandum, that you attempted to gain



control of him that's why you struck him.

A. I don't recall.

C. I'm going to draw your attention now to a Memorandum dated May 29, 2019, also addressed to Major Mazzone and it appears to have been authored by you Trooper James Huestis, and its titled "injury to prisoner while in custody" I'm gonna show you this memorandum and tell me if you recognize it.

A. Yes.

C. How do you recognize it?

A. That was I believe my first draft of the incident.

C. I'm going to draw your attention to a portion of the memorandum that I'll read to the record and then I'll ask you a question.

"So, I entered the residence through the front door to assist. I took a back-up position behind officer Jeffrey Weaver of the Village of Wappinger Falls police department on the outside of a rear bedroom door. Officer Weaver and I could not gain entrance into the room because [REDACTED] was in a storage closet behind the door and if we opened the door it would lock the storage closet where he was located. Village of Wappinger Falls police officer Nicholas Carmine and Dutchess County Sheriff Deputy Ian Connor were in the rear bedroom assisting Trooper Hettinger. Once I heard them removing the [REDACTED] from the storage closet. Officer Weaver and I entered the room to assist in handcuffing [REDACTED] Do you recall putting that into the body of this particular memorandum?

A. Yes.

C. Can you explain, why that section that I just read on record is not in your memorandum that you submitted on June 3, 2019?

A. Because that doesn't have anything to do with the injury of the prisoner, noted in my subject line in my memo.

C. Do you feel that your strikes to Mr. [REDACTED] was justified?

A. No.

C. I have no further questions.

Q. I have no further questions.

A. I have no questions.

Q. Is there anything further that you would like to add?

A. No.

Q. Ok, this statement is now concluded. The time is 11:33am on October 17, 2019.

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I have read this statement consisting of 14 pages and affirm that it is true to the best of my knowledge. I have placed my initials on the bottom of each page and next to each correction and I signed it below.

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom. Below the signature, the initials "3192" are written in a smaller, simpler font.

Signed before me this (\*\*Date\*\*).

11/5/2019