

CONFIDENTIAL

MOUNT PLEASANT POLICE DEPARTMENT
SUPPORTING DEPOSITION OF KEVIN M GILMARTIN

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DATE/TIME PRINTED: 10/17/2010 10:26:52 AM
CASE REPORT #: MP-00762-10

I, POLICE OFFICER KEVIN GILMARTIN SHIELD #135, PLEASANTVILLE PD, GIVE THIS TRUE AND VOLUNTARY STATEMENT TO DET GREENBERG OF THE MT PLEASANT POLICE DEPARTMENT.

ON SUNDAY, OCTOBER 17, 2010 I WAS WORKING TOUR 1 ASSIGNED PATROL IN MARKED RMP 58. SHORTLY AFTER 1:00AM I HEARD PO HESS CALL OUT A 10-52 (DISPUTE) IN FRONT OF FINNEGANS GRILL IN THE THORNWOOD TOWN CENTER, TOWN OF MT PLEASANT. AT THE TIME I WAS ON MARBLE AVE AT CASTLETON ST AND I RESPONDED MARBLE AVE TO NORTHBOUND BROADWAY AND INTO NORTHERN ENTRANCE AT GARRIGAN AVE. I PULLED BEHIND A MARKED MT PLEASANT POLICE CAR AND CALLED OUT TO MY DESK AND ADVISED HIM I WAS OUT WITH RMP 59 (PO HESS). I NOTICED A LARGE GROUP OF PEOPLE IN THE PARKING LOT ON MY RIGHT AND TOLD EVERYONE TO START MOVING TOWARDS THEIR VEHICLES. EVERYONE APPEARED TO COMPLY. I THEN TURNED AROUND AND BEGAN TO WALK IN THE DIRECTION OF PO HESS. I WAS STANDING ON THE MEDIAN NEAR THE REAR OF MY RMP WHEN I SAW PO HESS STEP OUT INTO THE ROADWAY, PUT UP HIS RIGHT HAND AND BEGIN TO YELL AT A VEHICLE TO STOP. THE VEHICLE WAS A DARK COLORED 4-DOOR SEDAN WITH DARK WINDOWS. DUE TO THE GLARE FROM THE PARKING LOT LIGHTS I WAS UNABLE TO SEE INTO THE VEHICLE SO I DON'T KNOW HOW MANY PEOPLE WERE IN THE VEHICLE. I WAS ABOUT 1 AND A HALF TO TWO CAR LENGTHS AWAY. PO HESS CONTINUED TO YELL FOR THE VEHICLE TO STOP AND I HEARD THE VEHICLE'S ENGINE REV AND I SAW THE VEHICLE APPROACH PO HESS AT A HIGH RATE OF SPEED. I SAW THE FRONT DRIVER'S SIDE OF THE VEHICLE STRIKE PO HESS IN HIS KNEES THROWING PO HESS ON TOP THE HOOD OF THE VEHICLE. I HEARD AND SAW THE VEHICLE CONTINUE TO ACCELERATE AT A HIGH RATE OF SPEED WITH PO HESS CLINGING TO THE HOOD OF THE VEHICLE. I SAW PO HESS DRAW HIS FIREARM AND FIRE INTO THE WINDSHIELD OF THE VEHICLE. I WOULD SAY THERE WERE ROUGHLY FIVE SHOTS. I DID NOT DRAW OR FIRE MY WEAPON. THE VEHICLE THEN STRUCK A MARKED POLICE VEHICLE AND CAME TO A STOP IN THE MIDDLE OF THE ROADWAY. I RAN UP AS A MT PLEASANT OFFICER WAS REMOVING THE DRIVER FROM THE VEHICLE, HE WAS HANDCUFFED BY THE MT PLEASANT OFFICER AND PLACED ON THE GROUND. I RETURNED TO PO HESS WHO WAS LAYING IN THE ROADWAY TO CHECK ON HIS STATUS. PO HESS SAID HE HAD SEVERE PAIN COMING FROM HIS RIGHT KNEE. I SAW HIS DUTY WEAPON LAYING IN THE ROADWAY ROUGHLY HALF A CAR LENGTH FROM PO HESS CLOSER TO THE SHOPPING CENTER CURVE. I UNLOADED IT AND SECURED IT IN MY UNIFORM CARGO POCKET FOR SAFETY AS THERE WERE A LARGE AMOUNT OF PEOPLE IN THE VICINITY. I THEN WENT BACK TO THE DRIVER AND ALONG WITH A MT PLEASANT OFFICER ROLLED THE DRIVER ONTO HIS BACK, SAW HE WAS UNRESPONSIVE AND BEGAN CPR. I STAYED WITH THE DRIVER EVEN AFTER THE MEDIC ARRIVED AND HELPED LOAD HIM ONTO THE STRETCHER. I WENT BACK TO PO HESS. I DID NOT INTERVIEW

I AM AT THE MOUNT PLEASANT POLICE DEPARTMENT WHERE I AM GIVING THIS STATEMENT TO DET MARTIN B. GREENBERG WHO IS TYPING IT FOR ME, AND I HAVE READ IT AND IT IS THE TRUTH.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

WITNESS: Det M Greenberg

Kevin M Gilmartin

KEVIN M GILMARTIN

WITNESS: _____

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ANYONE AT THE SCENE. I BRIEFLY SPOKE TO LT LOVE WHEN HE ARRIVED AT THE SCENE AND INFORMED HIM I WAS IN POSSESSION OF PO HESS' WEAPON. HE INFORMED ME TO MAINTAIN POSSESSION UNTIL IT COULD BE SECURED. WHEN MT PLEASANT DETECTIVES ARRIVED, LT LOVE BROUGHT DET MENDOZA TO ME AND I PLACED PO HESS' DUTY WEAPON EMPTY AND LOCKED BACK, ONE LOOSE ROUND, AND THE MAGAZINE FROM THE WEAPON INTO AN EVIDENCE BAG THAT WAS HELD OPEN BY DET MENDOZA. AT THAT POINT I REMAINED OUT OF THE CRIME SCENE UNTIL DET PETERSON DROVE ME TO MT PLEASANT HQ.

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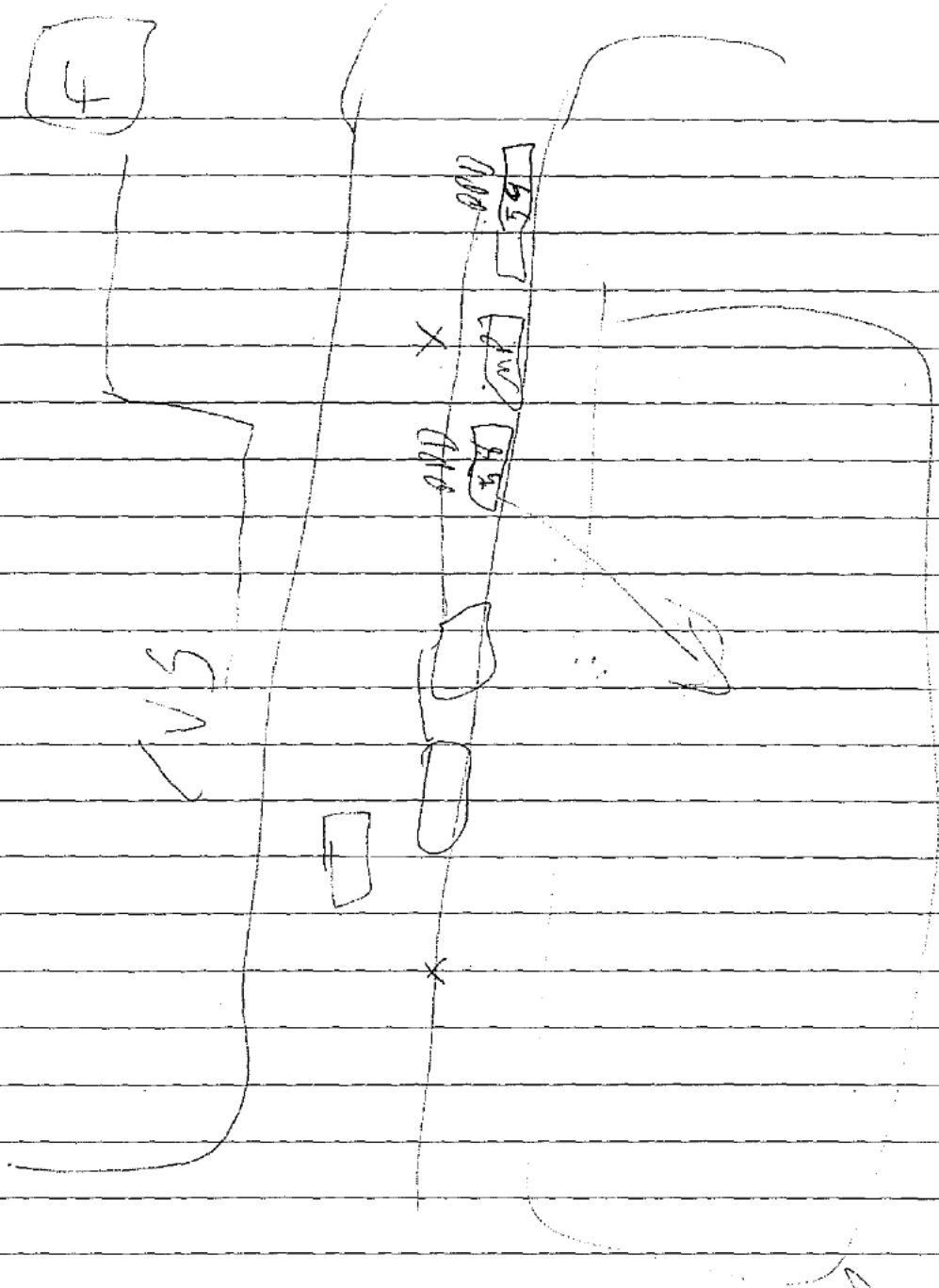
WITNESS: Det M Greenberg

[Signature]

KEVIN M GILMARTIN

WITNESS: _____

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10 Kevin G. Martini

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10/17/10

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KEVIN FILMARTIN
PPD #135

0915hrs

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