

IN THE MATTER OF DEFENDANTS/RESPONDENTS LISTED BELOW:

1. BENNY WARR
DEFENDANT'S/RESPONDENT'S NAME

185 BARTLETT ST
DEFENDANT'S/RESPONDENT'S ADDRESS

2. _____
DEFENDANT'S/RESPONDENT'S NAME

DEFENDANT'S/RESPONDENT'S ADDRESS

3. _____
DEFENDANT'S/RESPONDENT'S NAME

DEFENDANT'S/RESPONDENT'S ADDRESS

CHARGED WITH ALLEGED OFFENSES, TO WIT:

P.O. J. FERRIGNO
DEPONENT'S NAME

/ /
DATE OF BIRTH

1099 JAY ST 585-428-9810
DEPONENT'S ADDRESS AND PHONE NUMBER

STATE OF NEW YORK
ROCHESTER CITY COURT
CRIMINAL DIVISION
2013 JUN 25 AM 7:37

DEPONENT DEPOSES AND SAYS:

On the report date/time RO's were patrolling two-man in a marked patrol car in the area of the above location. The above location is a well known open air drug market that is also a hot spot for vice activity, violent crimes, shots fired calls and gang activity. The above area is what the street gang Chalk 'em South (CSG) claims as their turf, where members participate in the sale of illegal street drugs as well as other vice activity. CSG members are also known to carry weapons and are very anti-police. On this day a majority of folks seemed to be a little more hostile towards the police because days earlier, a group of known CSG associates had fought with the police and were arrested, so emotions were already running high. As R/O pulled up to the corner of Jefferson Ave and Whittlesey Al, a large group of approximately 10 males were loitering on a public sidewalk at that location. One of the males we identified was (A) Benny Warr, a CSG associate, who was sitting in a wheelchair on the public sidewalk with no real purpose to be seated there. R/O had prior knowledge from other officers who work the Jefferson Ave area that (A) is known to hide illegal drugs on his wheelchair for other CSG members with the assumption that police will not check him due to him being in a wheelchair. R/O also has prior knowledge from other officers that (A) is known to stash illegal drugs inside his prosthetic leg using his handicap to his advantage with the assumption that officers will not check him. R/O's gave the group of males a lawful order to disperse since the males had no legitimate reason to be there. The group of males slowly began to disperse the corner except for (A) who refused the lawful order to disperse and remained on the corner. While seated in the patrol car, R/O told (A) to disperse. (A) screamed at R/O "FUCK YOU MOTHER FUCKER! I DON'T GOTTA DO SHIT! FUCK YOU!" This caused the group to stick around and caused other people to become alarmed and begin to conjugate and become irate. This caused other people to begin swearing at us as well. R/O again gave (A) orders to disperse but (A) screamed at R/O "HOW ABOUT YOU SUCK MY DICK! FUCK YOU!" R/O exited the vehicle to disperse the group quicker and as I approached (A), he was continuously yelling and swearing at us. In past experiences in dealing with hostile, anti-police crowds on Jefferson Ave, the behavior that (A) was exhibiting has actually ignited full-fledged riotous groups to charge, gang up, and attack police. With our prior experience we knew we had to act quickly before the situation became out of control. I approached (A) and informed him that he was under arrest. As a result, (A) then fled in his wheelchair preventing us from affecting our arrest. (A), while still screaming obscenities at R/O, fled westbound across the street and parked at the corner of Bartlett St and Jefferson Ave. R/O remained at the corner of Whittlesey and Jefferson to make sure that all others continued to disperse before crossing over to re-attempt taking (A) into custody. As we approached (A) at Bartlett St and Jefferson Ave, a large group began to conjugate in the area as (A) was screaming and swearing. (A) was told again that he was under arrest but (A) replied "FUCK YOU! YOU BETTER CALL THE AMBULANCE!" to which R/O's took as a physical threat meaning that the only way he was going to be taken into custody was after a physical fight with him.

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

[Signature] 1958 6/24/13
DEPONENT'S SIGNATURE DATE

[Signature] 1747 6/24/13
WITNESS SIGNATURE DATE

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DEPONENT DEPOSES AND SAYS:

It was also still unknown if (A) had any weapons on his person. As we attempted to take (A) into custody he began to violently swing his arms at R/O and punch R/O. After a brief struggle, (A) was taken into custody without further incident. (A) was transported to Strong where he was issued an appearance ticket.

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