

STATE OF NEW YORK  
COUNTY COURT                      ONEIDA COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

Against

Joseph J. Giacona III,

Defendant, as a Juvenile Offender.

FILED  
ONEIDA COUNTY COURT  
CLERK'S OFFICE

2008 SEP 25 A 9:02

NOTICE PURSUANT TO  
SECTION 710.30 OF THE  
CRIMINAL PROCEDURE  
LAW

IND. NO. I 2008-349

PLEASE TAKE NOTICE, in accordance with Section 710.30 of the Criminal Procedure Law, that the People intend to offer at trial evidence of a statement made by the defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of Section 710.20.

FURTHER, please take notice said statement was in writing and that a copy thereof is attached to this Notice, and that the oral statements which gave rise to, and surrounded the execution of, said written statement is included in this Notice. This Notice is attached to a copy of the Indictment herein and has been served on the defendant at the time of arraignment.

SCOTT D. MCNAMARA, ESQ.  
District Attorney of Oneida County  
Oneida County Courthouse  
Utica, New York 13501

(X) 6  
Dul

STATE OF NEW YORK

COUNTY OF ONEIDA

COURT

VILLAGE of VERNON

THE PEOPLE OF THE STATE OF NEW YORK )

— vs. )

SUPPORTING DEPOSITION

(Defendant(s) )

STATE OF NEW YORK

COUNTY OF ONEIDA

ss.

VILLAGE of VERNON

829-46.

On	DATE <u>2/24/08</u>	at	TIME STARTED <u>4:45</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	I, FULL NAME <u>JOSEPH JOHN GIACONA III</u>
	DATE OF BIRTH <u>10/31/94</u>		NO. & STREET <u>74 N. SCONODDA ST</u>	CITY <u>VERNON</u> STATE <u>NY</u>

state the following: I LIVE WITH MY DAD, JOSEPH GIACONA, MY STEP MOM MICHELLE LUBECK AND MY BROTHER [REDACTED] I AM IN 7TH GRADE AT VVS SCHOOL AND I KNOW HOW TO READ AND WRITE. THIS MORNING I GOT READY FOR SCHOOL LIKE EVERY OTHER DAY. MY DAD AND MICHELLE WERE GETTING READY FOR WORK AND [REDACTED] WAS GOING TO THE BABYSITTER. I GOT ON THE SCHOOL BUS AT ABOUT 7:20 AM. I GOT OFF THE SCHOOL BUS AT ABOUT 2:35. THE BUS DROPS ME OFF IN FRONT OF MY HOUSE. I WENT IN THE BACK DOOR, TO THE MUDROOM THAT IS THE DOOR I ALWAYS USE, AND IT WAS UNLOCKED. THAT'S NORMAL. I WENT THROUGH THE MUDROOM, THEN THE KITCHEN, INTO THE LIVING ROOM. WHEN I GOT IN THE LIVING ROOM, I SAW MY DAD ON THE COUCH. HE WAS LYING ON THE COUCH ON HIS BACK. I SAW RED BLOOD ON HIM AND A HOLE ON HIS FACE. HE WAS UNDER A BLANKET FROM HIS FEET TO HIS SHOULDERS. HIS FACE WAS TURNED TOWARD THE BACK CUSHION AND THE HOLE WAS IN THE LEFT SIDE OF HIS FACE. HE WASN'T TALKING BUT MADE HUMMING NOISE LIKE HE WAS TRYING TO TALK. I DIDN'T TOUCH HIM.

**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 committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury  
this 24 day of JANUARY, 2008  
— OR —

\*Subscribed and Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Joseph Giacona  
(SIGNATURE OF DEPOSITOR)  
DK Kenanin Feck  
(WITNESS)  
[Signature]  
(NAME OF PERSON TAKING DEPOSITION)  
TIME ENDED 5:15  a.m.  p.m.

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

## SUPPORTING DEPOSITION CONTINUATION SHEET

PEOPLE vs. \_\_\_\_\_)

I RAN RIGHT UPSTAIRS TO MY ROOM TO GET MY CELL PHONE (709-1  
I CALLED 911 AND TOLD THEM MY DAD WAS SHOT IN THE FACE,  
TOLD THEM MY ADDRESS. THEY TOLD ME TO DO CPR, BUT I DIDN'T  
WANT TO TOUCH HIM. I STAYED ON THE PHONE UNTIL THE POLICE  
CAME, AND WHEN THE AMBULANCE CAME, I WENT TO MY  
NEIGHBORS. MY DAD HAS SHOTGUNS AND BB GUNS. THEY  
ARE LOCKED IN A GUN CABINET IN THE BOTTOM OF THE  
STAIRS. I KNOW THE KEY IS KEPT ON TOP OF THE CABINET  
I DON'T GO IN THE GUN CABINET UNLESS I'M TOLD TO. MY  
DAD HUNT, I HAVE A SMALL GAME LICENSE. I HAVEN'T  
TOUCHED ANY GUNS SINCE HUNTING SEASON. WHEN I WENT  
UPSTAIRS I SAW THAT ALL THE GUNS WERE THERE.  
THERE'S 3 BB-GUNS, 2 20GA SHOTGUNS, 410 SHOTGUN.  
ALSO WE HAVE A BB PISTOL. I DON'T KNOW WHAT HAPPENED  
TO MY DAD, I'M GUESSING HE WAS SHOT. THIS IS ALL THE  
TRUTH ABOUT WHAT I SAW.

J. G

1/24/08

STATE OF NEW YORK  
COUNTY COURT                      ONEIDA COUNTY

FILED  
ONEIDA COUNTY COURT  
CLERK'S OFFICE

2008 SEP 25 A 9:02

**THE PEOPLE OF THE STATE OF NEW YORK**

**Against**

**Joseph J. Giacona III,**

**Defendant, as a Juvenile Offender.**

**NOTICE PURSUANT TO  
SECTION 710.30 OF THE  
CRIMINAL PROCEDURE  
LAW**

**IND. NO. I 2008-349**

**PLEASE TAKE NOTICE**, in accordance with Section 710.30 of the Criminal Procedure Law, that the People intend to offer at trial evidence of a statement made by the defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of Section 710.20;

**FURTHER**, please take notice that said statement was made orally as follows:

**DATE:**            January 24, 2008

**PLACE:**         In the vicinity of 14 North Sconondoa Street, Vernon, New York

**TO WHOM MADE:**     Investigator Michael Grande and Sr. Investigator Timothy Blaise, New York State Police

**SUBSTANCE OF STATEMENT:**     See attached report.

This Notice is attached to a copy of the Indictment herein and has been served on the defendant at the time of arraignment.

**SCOTT D. MCNAMARA, ESQ.**  
**District Attorney of Oneida County**  
**Oneida County Courthouse**  
**Utica, New York 13501**

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Joseph J. Giacona IIIDefendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of the statements made by the defendant to a public servant,  
TO WIT:

On 01/24/08 Inv Michael Grande and Sr/Inv Timothy Blaise interviewed Joseph Giacona (age 13) at approximately 5:30PM in an attempt to clarify the time that Joseph had arrived home from school and found his father, and the time that he made the 911 emergency call reporting that his father had been shot. The interview was conducted outside the Giacona home on Sconondoa St., V/Vernon, NY, inside the unmarked police vehicle assigned to Inv Grande, with approval of Joseph's paternal grandfather, Joseph J. Giacona Sr, who was present with his grandson. Joseph Giacona (age 13) made the following statements: " I got home from school at about 2:35PM and went into the house through the door into the shoe room. I saw my Dad's car was in the driveway so I thought he must be home early from work because he was sick or something. He has come home early before. When I walked into the living room I saw my Dad lying on the couch under a blanket and I could see blood on his face. I thought he had been shot because there was a big hole in his face. I went upstairs to my bedroom to get my cell phone and called 911. They told me to go outside so I did but I dropped my cell phone. I waited outside and then some people came."

Joseph was asked if he was leaving something out because the 911 call wasn't made until 3:16PM, about 40 minutes after he had arrived home and found his father.

Joseph then stated: "That when I went up to use my cell phone to call 911, it was dead so I had to charge it for a little while before I could call."

Joseph was asked why he didn't use the house telephone to call 911.

He replied: " I didn't want to use the phone because it was right next to my Dad. I didn't use the other phone that is in my Dad's bedroom because I'm not supposed to go in there."

Joseph was asked if he had moved the gun that his father had been shot with.

Joseph replied: "No, I didn't see any gun."

Joseph was asked if he had used or handled any of the shotguns in the gun cabinet.

Joseph replied: "I'm not allowed to touch the guns and I haven't since we hunted in the fall."

Joseph was asked if he was sure, because the guns would all be checked for fingerprints in order to catch whoever might have hurt his father and it was very important to know if he had actually seen a gun in the room and had moved it to protect his Dad.

Joseph replied: " I found the .410 shotgun on the floor on the otherside of the dog gate by the gun cabinet. I picked it up and went over to the gun cabinet and put it back inside where it belonged. I got the key for the cabinet off the top of the cabinet where it is kept, I unlocked it, and put the gun back inside."

Joseph was asked if he tried to help his Dad by doing CPR or anything when he found his Dad:

Joseph replied: " I didn't go near him because I didn't want to get messy"

NOTICE

(Penal Law §210.45)

In a written instrument, any person who knowingly makes 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 24th day of January, 2008.

*For Michael D. Grande*  
COMPLAINANT  
MICHAEL P. GRANDE

FILED  
ONEIDA COUNTY COURT  
CLERK'S OFFICE

STATE OF NEW YORK  
COUNTY COURT

ONEIDA COUNTY

2008 SEP 25 A 9:02

**THE PEOPLE OF THE STATE OF NEW YORK**

Against

**Joseph J. Giacona III,**

**Defendant, as a Juvenile Offender.**

**NOTICE PURSUANT TO  
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LAW**

**IND. NO. I 2008-349**

**PLEASE TAKE NOTICE**, in accordance with Section 710.30 of the Criminal Procedure Law, that the People intend to offer at trial evidence of a statement made by the defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of Section 710.20;

**FURTHER**, please take notice that said statement was made orally as follows:

**DATE:** January 24, 2008

**PLACE:** New York State Police Troop D Headquarters, Oneida, New York

**TO WHOM MADE:** Investigator Michael Grande and Investigator Edward Marecek, New York State Police

**SUBSTANCE OF STATEMENT:** See attached report.

This Notice is attached to a copy of the Indictment herein and has been served on the defendant at the time of arraignment.

**SCOTT D. MCNAMARA, ESQ.**  
**District Attorney of Oneida County**  
**Oneida County Courthouse**  
**Utica, New York 13501**

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

Joseph J. Giacona III

Defendant

PLEASE TAKE NOTICE, pursuant to section 710.30 of the Criminal Procedure Law, that during the trial of the above named matter, the People intend to offer evidence of the statements made by the defendant to a public servant,  
TO WIT:

On 01/24/08 Invs Michael Grande and Edward Marecek interviewed Giacona III in the presence of his biological mother Rachelle Rustici in the approved juvenile interview room at Troop D Headquarters, Oneida, NY. The interview was commenced at approximately 8:45PM and was conducted after obtaining the mother's permission and written voluntary waiver, by both parties, of constitutional rights contained on a Genl 19 statement form.

Joseph stated: "I came home from school and I went into the house the same way I always do, through the shoe room. When I got inside I went into the living room to look for my Dad because I saw his car was in the driveway. I then saw him lying on the couch underneath the blanket and I could see blood on his face. It looked like he was shot. I then went upstairs to my room to use my cell phone to call 911 but I had to charge it before I could use it."

Joseph was asked if he was sure that he was dropped off at home by the school bus at about 2:35pm as he previously stated. Joseph's mother interjected saying that doesn't sound right, I would say it had to be closer to 3 o'clock. Joseph then agreed.

Joseph was asked he if tried to help his father after the 911 operator asked him if he could do CPR on his Dad: Joseph replied " I didn't want to get to close to him because of the way he looked".

During this interview Joseph stated " I never got any closer than 8 feet to my Dad"

Joseph was asked if there were any other keys to the gun cabinet: Joseph replied: " There is another key but I don't know where it is and I haven't seen it since probably when we got the gun cabinet".

Joseph was asked if he was again leaving something out about the gun. Joseph replied: "Before I went upstairs I picked up the gun and put it back in the cabinet"

Joseph then was asked to describe the exact position and location of the gun when he picked it up: Joseph replied " It was on the floor by the wall near the gun cabinet"

At this point Inv Grande took out a notebook and drew a rough diagram of the room where Joseph's father was and the area where Joseph found the gun, according to Joseph's directions.

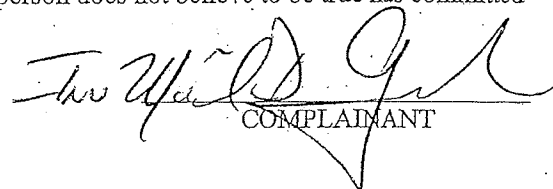
At this point Joseph's mother said "You moved the gun?" and then stopped the interview.

End

NOTICE  
(Penal Law §210.45)

In a written instrument, any person who knowingly makes 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 24th day of January, 2008.

  
COMPLAINANT

STATE OF NEW YORK  
COUNTY COURT                      ONEIDA COUNTY

FILED  
ONEIDA COUNTY COURT  
CLERK'S OFFICE

2008 SEP 25 A 9:01

**THE PEOPLE OF THE STATE OF NEW YORK**

**Against**

**Joseph J. Giacona III,**

**Defendant, as a Juvenile Offender.**

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LAW**

**IND. NO. I 2008-349**

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**FURTHER**, please take notice that said statement was made orally as follows:

**DATE:**            January 24, 2008

**PLACE:**         In the vicinity of 14 North Sconondoa Street, Vernon, New York

**TO WHOM MADE:**     Officer J. M. Lanigan of the Vernon Village Police  
Department

**SUBSTANCE OF STATEMENT:**     See attached Police Report.

This Notice is attached to a copy of the Indictment herein and has been served on the defendant at the time of arraignment.

**SCOTT D. MCNAMARA, ESQ.**  
**District Attorney of Oneida County**  
**Oneida County Courthouse**  
**Utica, New York 13501**

# Vernon Police Department

## Supplementary / Investigative Report

Name of Complainant: Officer J.M. Lanigan Comp # 20080105

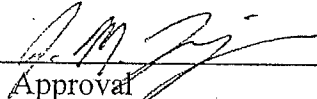
Address: 8 Ruth St. Phone # 839-4700

Offense: Murder

Report of  
Signature

Copies to:

Status:

Approval 

### Supplemental / Investigative Information

On January 24, 2008 at 1514 hours I was dispatched to 14 N. Sconondoa St. in the Village of Vernon for a possible suicide. Dispatch told me that there was a male inside the residence with a gunshot wound to the head, and his son was outside the residence waiting for me. I arrived on the scene at 1518, the son was standing in the front yard of the residence with another white male. I exited my vehicle and walked over to the boy and the white male. The white male identified himself as Steve Adams an EMT from the Vernon Fire Department, and he said that the boy's name was Joey. Joey was still on the phone with 911 when I arrived, and he asked me if it would be alright for him to hang-up the phone. I told him that it was alright to disconnect with 911. I asked Joey what was going on and he told me that his father was in the living room inside the residence with a gunshot wound to his head. Joey was very calm and didn't show very much emotion well I was talking to him. I asked Joey if his father was breathing or conscious, and he said that he didn't know. I asked Joey how to get into the house, and he told me to go around back and go through the side door. I then instructed Joey to stay with the Vernon EMT. I then walked down the driveway to the side door of the residence, and entered the home through the kitchen. As I opened the door the first thing that I noticed was a loud wheezing noise coming from the residence. I saw a dog underneath the kitchen table, and at first I thought that the noise was the dog growling at me. I continued through the kitchen and walked into the living room where I saw a white male lying on the couch with a large wound to the left side of his face. I walked towards the subject to see if the subject was responsive, but I received no response from him. The subject was shaking and making a loud wheezing noise. There was a lot of blood coming from the wound on the left side of the subject's face. The subject was lying on his back on the couch with a blanket pulled up to his chest. I looked in the immediate area of the body and didn't see a gun present. I then did a search of the living room area to make sure that no one else was present in the house. I immediately exited the residence and called for EMS to enter. I told the EMT that there was a male on the couch with a gunshot wound to the left side of his face, and he was still breathing but was unresponsive. At 1520 Officer Rich Hahn from the Sherrill Police Department arrived on scene. I walked to the front of the house and met Officer Hahn. We then proceeded to walk back into the house when Joey asked if someone could get his dog. I had let the dog out of the house when I came back out, and now the dog was running around the yard. Joey was very calm when he asked if someone could get the dog. Officer Hahn and I walked back

# Vernon Police Department

## Supplementary / Investigative Report

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into the kitchen and located a pay stub that belonged to a Joseph Giacona. We believed that this was the victims' name. The fire department was working on the victim in the living room. At this time I called dispatch and asked them to send an ambulance and to have them expedite. I walked outside and went to the front yard where I spoke with a Chris Atwood of 17 N. Sconondoa St. Mr. Atwood told me that he lived directly across the street from the victim and they would frequently go hunting and fishing together. I asked Mr. Atwood when the last time he saw Mr. Giacona was. He said that he saw him this morning about 0715 out in the driveway. He said that Mr. Giaconas' car was running and he had his work clothes on he stated that Mr. Giacona worked at NYE Ford. Approximately 1525 Chief Hastings arrives on scene and asks me if I secured the gun. I told Chief Hastings that I didn't see a gun, and he instructed me to go ask Joey if he had moved a gun or seen one. I went over to 12 N. Sconondoa St. which is where Joey was now located. I went inside the house and Joey was inside with a neighbor. I asked Joey if he had seen any weapons such as a rifle or a handgun near his father. Joey told me that he never saw any guns near his father. I then asked Joey if he had moved any guns well he was in the residence and he said no. Still at this time Joey had not really showed any emotion. I spoke with the neighbor and she informed me that Joeys' stepmother was at work. She said that she worked at Oneida Correctional Facility and her name was Michelle Lubeck. At this time I left the neighbors residence, and went back over to 14 N. Sconondoa St. At this time the ambulance had arrived, and as I was walking back into the house they were taking Mr. Giacona out on a stretcher. I went into the house and informed Chief Hastings that Joey said he never saw or moved a gun. There was approximately 4 to 5 police officers in the living room at that time, and we all took a quick look around and were unable to locate a weapon. At this time Chief Hastings told all of us to exit the residence, it was now a crime scene. After I left the residence I contacted NYE Ford to see what time Mr. Giacona left work. I spoke with a woman in personnel, and she told me that Mr. Giacona was on vacation, and he had not worked at all today. She also told me that he had put in his two week notice for termination. When I asked more about the situation she put me on hold to speak with the Service Manager. I stayed on hold for about five minutes but no one picked up. At this time the New York State Police arrived and took over the investigation.

FILED  
ONEIDA COUNTY COURT  
CLERK'S OFFICE

STATE OF NEW YORK  
COUNTY COURT

ONEIDA COUNTY

2008 SEP 25 A 9:02

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THE PEOPLE OF THE STATE OF NEW YORK

Against

Joseph J. Giacona III,

Defendant, as a Juvenile Offender.

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NOTICE PURSUANT TO  
SECTION 710.30 OF THE  
CRIMINAL PROCEDURE  
LAW

IND. NO. I 2008-349

PLEASE TAKE NOTICE, in accordance with Section 710.30 of the Criminal Procedure Law, that the People intend to offer at trial evidence of a statement made by the defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of Section 710.20;

FURTHER, please take notice that said statement was made orally as follows:

DATE: January 24, 2008

PLACE: 12 North Scononoda Street, Vernon, New York

TO WHOM MADE: Officer Richard Hahn, Sherrill Police Department

SUBSTANCE OF STATEMENT: See attached report.

This Notice is attached to a copy of the Indictment herein and has been served on the defendant at the time of arraignment.

SCOTT D. MCNAMARA, ESQ.  
District Attorney of Oneida County  
Oneida County Courthouse  
Utica, New York 13501

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# Sherrill Police Department

## Supplementary / Investigative Report

Name of Complainant: Joseph Giacona Comp # 20080149

Address: 14 N Sconondoa Street, Vernon, NY Phone # 829-4629

Offense: Suspicious death Report of Officer R. Hahn  
Signature

Copies to: Chief Hastings Status: Pending Approval

### Supplemental / Investigative Information

On January 24, 2008 this officer was working Sherrill B line and was making SJS entries at the end of the shift. At 1514 PM Oneida dispatch sent out an EMS call to 14 N. Sconondoa Street in Vernon, giving it as an apparent suicide attempt. Car #573 was dispatched to the scene also. Oneida Dispatch then attempted to send the Sherrill C line officer (Peck) to the scene. She was on trial in Sherrill city court. At that time Chief Hastings realized that Peck was unavailable and directed Officer Hahn to respond to the scene. Officer Hahn took car #576 from the garage and proceeded to the Vernon address with emergency lights and siren activated, arriving at 1520 PM. Officer Lanigan in Vernon Car #573 was already at the scene and was coming around the North side of 14 Sconondoa Street. EMS personnel were also already on the scene. Officer Lanigan led this officer to the interior of the residence through the North entrance. Officer Lanigan said that the reporting person, later identified as Joseph Giarcona (The son of the victim) asked officer Lanigan to get his dog back in the house. The animal was observed in the back yard.

Officer Hahn went inside the residence through the kitchen door, upon entering this officer could hear what sounded like intermittent snoring noises coming from a front room. The officer entered the room which was the living room. There was a sofa parallel with Sconondoa Street by the front window. The victim was lying under a blanket with his head on a pillow. His head was toward the south wall. There was blood visible on the pillow. The light in the room was dim. EMS workers were holding compresses against the left side of the victim's head there was no firearm in obvious sight and this officer asked if anyone had seen a gun. One of them (Unknown who) said they had not. Officer's Lanigan and Hahn went into the kitchen and observed a stack of pay stubs from Nye Ford in the name of Joseph Giacona.

The EMS workers removed the victim from the premises to the ambulance. At this time the officers scanned the living room and there was no firearm anywhere visible in the living room. The pillow was covered with blood and there was what appeared to be chunks of flesh on it. Chief Hastings arrived on the scene at 1525 and was briefed. Officer Lanigan contacted Nye Ford to see if Mr. Giacona reported for work and what time he left. Chief Hastings requested the assistance of the New York State police.

Officer Hahn went next door to 12 Sconondoa Street where the victim's son was being

# Sherrill Police Department

## Supplementary / Investigative Report

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taken care of. Officer Peck was with the son who identified himself as Joseph John Giacona, DOB 10-31-1994. Joseph appeared somewhat distraught and was shaking. Joseph stated that his father works at Nye Ford and usually gets home from work between 5:00 PM and 5:30 PM. He said that his father did go to work that morning before he (Joe) left for school. He reported that when he came home he found his father with a gaping hole in the side of his head. He reported that he called 911. Joseph was asked if he saw a gun. He replied, "No. I don't believe that my father would do something like that to himself". He also said, "He couldn't very well have gotten rid of the gun and covered himself up with a blanket". Officer Hahn asked Joseph if there were any firearms in the residence and Joseph replied, "Yes. We hunt. We have guns". The officer then asked Joseph if his father was right handed or left handed. Joseph said his father was right handed. Joseph was also asked why his father might have returned home from work early. Joseph said that his father had been sick, and that he had been coughing stuff up. This officer also asked Joseph if the doors to the house were locked or unlocked when he got home. Joseph replied, "They were unlocked, our doors are always unlocked". Officer Hahn told Joseph he would be told of his father's condition as soon as the information was available.

New York State Police investigators and crime scene personnel came on the scene. They directed all non essential personnel to leave the premises which were done. Officer Lanigan reported to Officer Hahn that he had interviewed the residents directly across the street from the victim's house. Officer Hahn attempted to speak with the residents north of 14 Sconondoa Street. There was no house number on the residence. No one was at home.

This officer then went to 19 N. Sconondoa and interviewed Richard and Rose Lagoy, 829-3939. They left their home at 1:45 PM and returned at about 3:05 PM. They said they didn't see anything suspicious. They didn't notice if any vehicles were in Giacona's driveway. They did not see the victim all day. They stated that their grandson Dalton got off the bus with the victim's son that afternoon. Dalton was present at the time. Dalton Lagoy DOB: 10-19-1994, lives at 3748 Hogan Road, Vernon, NY and his phone is 829-3799. Dalton rode the bus to Sconondoa Street with Joseph Giacona. They both got off at the same time, which Dalton said was 2:35 PM. Dalton stated that the bus arrives on Sconondoa Street at the same time every day. The last he saw Joseph was when he (Joseph) picked up a garbage can that was at the curb in front of the house and carried it up the driveway. The information on the interview with Joseph Giacono (the son) and the Lagoy's was given to Chief Hastings and Assistant District Attorney Kurt Hameline.

Officer Hahn got the name of one Oneida County Sheriff Deputy, Keith Sack, who was inside of the residence at the time everyone was directed to leave.

The victim's girl friend is Michelle Lubeck who works at Oneida Correctional Facility. Officer Hahn attempted to call her at work at 339-6880 extension 4309. The workers had apparently left for the day. Ms Lubeck came to the scene after crime scene tape was in place. She was highly distraught and was taken to 17 N. Sconondoa Street. She said that the victim used to get upset. She said that when Mr. Giacona would get upset he would say he was going to kill himself. She reported that Mr. Giacona left for work shortly before she did. It should be

# Sherrill Police Department

## Supplementary / Investigative Report

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noted that Officer Lanigan called Nye Ford and reported that the personnel he spoke with said that Giacona had given his two week notice and was on vacation. Ms. Lubeck said that Giacona complained that Nye Ford "Screwed him out of two vacation days".

Officer's Hahn and Lanigan stayed at the scene in patrol car #576 until Officer Hahn was cleared to leave at approximately 2115 hours by Chief Hastings.

Photocopies of hand written notes are attached.

FILED  
ONEIDA COUNTY COURT  
CLERK'S OFFICE

STATE OF NEW YORK  
COUNTY COURT

ONEIDA COUNTY

2008 SEP 25 A 9:01

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THE PEOPLE OF THE STATE OF NEW YORK

Against

Joseph J. Giacona III,

Defendant, as a Juvenile Offender.

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NOTICE PURSUANT TO  
SECTION 710.30 OF THE  
CRIMINAL PROCEDURE  
LAW

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FURTHER, please take notice that said statement was made orally as follows:

DATE: January 24, 2008

PLACE: 12 North Sconondoa Street, Vernon, New York

TO WHOM MADE: Officer Reyanin Peck, Sherrill Police Department

SUBSTANCE OF STATEMENT: See attached report.

This Notice is attached to a copy of the Indictment herein and has been served on the defendant at the time of arraignment.

SCOTT D. MCNAMARA, ESQ.  
District Attorney of Oneida County  
Oneida County Courthouse  
Utica, New York 13501

③ ④  
DMD

# Sherrill Police Department

## Supplementary / Investigative Report

Name of Complainant: \_\_\_\_\_ Comp # LEAD 4

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Offense: \_\_\_\_\_ Report of Officer Reyanin Peck

Copies to: Chief Hastings Status: \_\_\_\_\_ Signature Off. Reyanin Peck

Approval \_\_\_\_\_

### Supplemental / Investigative Information

On this date, January 24, 2008, I, Officer Peck called into service with the Sherrill Police Department after a trial I had in Sherrill City Court, at 1525. I contacted the 911 Center because the MRD Channel was on emergency traffic. They dispatched me to the Village of Vernon to assist with the scene at 14 N. Sconooda Street.

Upon arrival Officer Lanigan (Vernon PD) told me that the kid was at the neighbor's house and then handed me the grandparent's phone number and said to give them a call so they could be with the kid. Officer Lanigan said the gun was still missing. The neighbor, Ethel told me that the grandparents had already been contacted. For about 2 1/2 hours I sat next to Joe Giacona, the 13 year old male who stated to me that he had called 911 on his cell phone because his father had been shot in the face.

Joe Giacona sat on the staircase, shaking and cried a little bit. My observation of Giacona was that he appeared calm and to be very strong at holding his emotions inside. Giacona looked at the floor most of the time, even when spoken to. I noticed splatter marks that were reddish in color on Giacona's right leg of his blue jeans. I asked Giacona if his dad was sick or feeling sad. Giacona said that his dad had back problems and that he would cough up phlegm at times and was taking medicine that the doctor had given him. I then asked Giacona what he saw, he said when he got off the school bus he found his dad lying on the couch under a blanket with a hole in the left side of his face and blood all over. During this time Officer Hahn walked in and asked Giacona his name, address, phone number and what he had seen. Giacona stated that he did not touch his father and that he immediately called 911. I then asked Giacona if he knew what may have happened. Giacona said that somebody shot him. I asked if anyone was mad at his dad or had any idea who may have done this; Giacona looked into my eyes and said a "bad guy." I told him the police would find the bad guy and he shook his head yes. I asked Giacona if he had touched anything in the house, he stated no. I asked him if he had seen a gun or moved a gun, Giacona stated no to both. I asked if he touched his father, he said no.