

City of Canandaigua Police Department

# **Internal Investigation Report**

**I.A. 003-2004**

Accused: Police Officer Craig Cummings

**Patrick W. McCarthy**  
Chief of Police

**City of Canandaigua Police Department**

21 Ontario Street  
Canandaigua, New York 14424

Detective Division  
Sgt. Michael J. Colacino

Patrick W. McCarthy  
Chief of Police

TO: Chief Patrick W. McCarthy  
FROM: Sgt. Michael J. Colacino  
Internal Affairs Officer  
DATE: April 7, 2005  
RE: **Investigation of Complaint I.A. 003-2004**

Accused: P.O. Craig Cummings Badge 112  
Complainant: Chief Patrick W. McCarthy  
Victim: City of Canandaigua/State of New York

**Allegations:**

Complainant learned of Canandaigua City Police Officer Craig Cummings alleged involvement with illegal conduct while he was with friends at a hunting camp somewhere in Steuben County during the month of November of 2004. Specific Information surrounding the allegations of Illegal Conduct was limited at the time the Internal Investigation Report was ordered. *(See Exhibit #1)* Complainant was also informed of an indictment handed down by the Ontario County Grand Jury for intentionally killing a domestic animal while Police Officer Craig Cummings was off-duty, hunting on private property in the Town of Canandaigua. *(See Exhibit #2)*

**Witnesses:**

Ontario County Asst. District Attorney Thomas Reh

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Specific Allegations Are:**

1. Unbecoming Conduct *Violation of CPD Rules and Regulations Sec. 3-2*

2. Immoral Conduct *Violation of CPD Rules and Regulations Sec. 3-3*

3. Disorder or Neglect to the prejudice of good order, efficiency or discipline

*Violation of CPD Rules and Regulations Sec. 3-60*

4. Violation of General Order 1.01 C.3 Professional Standards of Conduct

*Violation of CPD General Order Sec 1.01 C.3*

### **Investigation Summary:**

On December 9, 2004, Police Chief Patrick McCarthy ordered, by memorandum, an internal investigation. (*See Exhibit #1*) Chief McCarthy directed me to maintain contact with the Ontario County District Attorney's Office throughout the investigation, which was being handled jointly with the Ontario County Sheriff's Office and the New York State Environmental Conservation Unit. The Chief Ordered the commencement to be confidential in nature as facts surrounding the allegations were gathered.

### **January 12, 2005**

I.A. 003-2004 was assigned to a case file and maintained within the Internal Affairs Files.

### **February 16, 2005**

Police Officer Craig Cummings was arraigned in Ontario County Court on the following Charges: (*See Indictment in Exhibit #2*)

- Criminal Mischief 3<sup>rd</sup> Degree
- Criminal Mischief 4<sup>th</sup> Degree
- Overdriving-Torturing and Injuring Animals
- Perjury in the 1<sup>st</sup> Degree
- Perjury In The 1<sup>st</sup> Degree
- Criminal Contempt in the First Degree
- Discharge of A Firearm within 500' of a dwelling

**March 8, 2005**

Sgt. [REDACTED] was interviewed by Lt. Larry Bornheimer and voluntarily gave a written statement to Lt. Bornheimer with regard to his involvement in improper conduct in November of 2004, with Police Officer Craig Cummings at a hunting camp in Steuben County. *(See Exhibit # 3)* I learned from Lt. Larry Bornheimer's statement he obtained from Sgt. [REDACTED] that Sgt. [REDACTED] friend was the one who arranged to have a stripper brought to the hunting cabin to perform for several men at the camp. The Friends name is [REDACTED] and he resides at [REDACTED]. With [REDACTED] having information related to the case, he was a witness that needed to be interviewed. Within [REDACTED] Statement, he stated the strippers name was "[REDACTED]" and she is [REDACTED] girlfriend. He also stated he didn't know anything more about her or what her real name was. This information was proven to be false. *(See Investigation report of Saturday, March 19, 2005)*

***(See Exhibit 4)***

[REDACTED] lied about knowing more about the girl as she was located by this officer and tracked to her former employer "Rick's Tally Ho" located on East Henrietta Road in Henrietta. [REDACTED] was identified in a police department photo, by [REDACTED] the bouncer at Rick's Tally Ho, as the person who came into the Tally Ho in Late January or early February looking for "[REDACTED]" later identified to be [REDACTED]. [REDACTED] claimed to the doorman that he had a warrant for Raven and that he needed to talk with her. [REDACTED] advised [REDACTED] of the warrant, which terrified

her. The identification of [REDACTED] in the department photograph proves that Sgt. [REDACTED] and his friend [REDACTED] had more information about "[REDACTED]" and that they intentionally withheld the information from Lt. Larry Bornheimer while being questioned about the stripper.

[REDACTED] bet one hundred dollars to his friend [REDACTED] that he wouldn't dare to fuck the stripper in front of everyone. [REDACTED] watched as [REDACTED] Attempted to fuck his girlfriend but was unable to due to his inability to become erect. [REDACTED] then looked on while [REDACTED] received a blowjob. (See Exhibit #5)

[REDACTED] claimed he later received his one hundred dollars back from his friend [REDACTED] This is different then what he told his friend [REDACTED] (See Exhibit #3)

[REDACTED] told [REDACTED] over the phone from the cabin (Cell Phone) that he went up into the loft while Craig Cummings was having sex with the stripper, and [REDACTED] told [REDACTED] that he stole the money back from the stripper's purse as she wasn't paying attention to what was happening. (See Exhibit #6)

### March 9, 2005

[REDACTED] came to the Canandaigua Police Department and gave a written statement to Lt. Larry Bornheimer with regard to his involvement with [REDACTED] [REDACTED] and Police Officer Craig Cummings at the hunting Camp in Steuben County.

(See Exhibit # 5) [REDACTED] gave information about what he termed to be his girlfriend, [REDACTED]. He stated that she works as a stripper and her name is [REDACTED]. The name "[REDACTED]" is different than what Sgt. [REDACTED] claimed her name to be. Sgt. [REDACTED] stated her name was "[REDACTED]." It was apparent that Sgt. [REDACTED] and [REDACTED] were communicating with each other, but confused what name to call the stripper.

#### **March 14, 2005**

I was having a conversation with the District Attorney's office and I was advised by Thomas Reh, Asst. District Attorney, the Cherie Berry provided information after being questioned by Thomas, that Sgt. [REDACTED] told her in conversation about Officer Cummings involvement with a "hooker" at a hunting camp. (See Exhibit #7)

#### **March 15, 2005**

I asked Cherie Berry to prepare a written statement about what she was referring to when she spoke with the Assistant District Attorney on March 14<sup>th</sup>. Cherie did prepare a written statement directed to me, which is attached to this investigation report. (See Exhibit #7)

#### **March 15, 2005**

I spoke with Craig Cummings when he came to the Police Station to pick up his paycheck from within his mailbox. I advised Officer Cummings that I needed to speak with him in regard to the allegations in Steuben County. Craig stated that he would

contact me at a later date after he speaks with his Attorney. He stated he was in the middle of Funeral Arrangements for a relative of his and that it would have to be after the Funeral was over.

**March 16<sup>th</sup>, 2005**

Based upon information learned from [REDACTED] statement and the statement of [REDACTED] friend [REDACTED] I started to contact establishments that I was able to find within the Steuben County area, specifically, Bath New York and Cohocton. I arranged with Clerk Typist, Nicole Wood to travel to the "Tally Ho" Bar located in Bath, New York. At about 6:30 P.M., I arrived at the Tally Ho in Bath and spoke with the owner [REDACTED]. [REDACTED] stated that at no time did he have any adult entertainment at his establishment. He also indicated that he has only owned the business since October of 2004 and that he was very busy with Hunters during opening day of hunting season and that he wouldn't have recalled anyone specific when he was asked about Craig Cummings and [REDACTED] being in the company of a "Hooker." He said there were quite a few females that were with men and that it wasn't unusual as he was a family type restaurant and not a strip club. Based upon this information, it was obvious that the information supplied by [REDACTED] (*Exhibit # 5*) with regard to the Tally Ho bar in Steuben County was not correct information. [REDACTED] told me that the only bar in Cohocton that he was very familiar with was called the White Buck Inn. I then left his restaurant with [REDACTED] to travel to the White Buck Inn.

At about 7:00 P.M., [REDACTED] and I located the White Buck Inn within the village of Cohocton. I spoke with the owner [REDACTED]. I identified myself to [REDACTED] and told him that I was investigating an incident that took place in November of 2004. [REDACTED] said that he personally knew [REDACTED] and Craig Cummings. [REDACTED] knew [REDACTED] from when [REDACTED] did some work for [REDACTED] father. He also stated that he was in school with [REDACTED]. [REDACTED] introduced him to Craig Cummings when they were traveling through in November of 2004. [REDACTED] stated that he recalled [REDACTED], Craig, and another guy named [REDACTED] who plays in a band, stopping into his bar on or about opening day of deer season in November of 2004. He said they were in the company of a female who was listening to the jukebox and dancing to the music. He didn't recall any specific details about the female other than she was well built, referencing the size of her breasts. [REDACTED] stated that the crew of people ordered some food and left. I asked [REDACTED] if he knew a girl by the name of [REDACTED] and he said no. I supplied [REDACTED] with my name and phone number for him to call me if the same girl was seen back in his bar. He agreed to contact me if he saw her.

On the way back to Canandaigua from Steuben County, (Cohocton), I called [REDACTED] on the telephone and I asked him for [REDACTED] Phone number again. [REDACTED] said to hang on while he checked his phone, but he thinks he recalled it to be [REDACTED]. He said he would check his phone to confirm it and call me right back. [REDACTED] hung up and called me right back and he said that was her number. I called the number he gave me and the prerecorded message said it was disconnected and no longer in service. This was unusual as he claimed that [REDACTED] was his girlfriend.

March 17, 2005

Based upon information I had received as an anonymous tip, I was told that [REDACTED] may have knowledge of photographs being shown around that depicted Craig Cummings having sex with a stripper at a hunting camp, I located [REDACTED] and arranged to speak with him at Tim Horton's Restaurant. I met C [REDACTED] [REDACTED] [REDACTED] [REDACTED] his were engaged in a conversation about newspaper articles about Craig Cummings being suspended, [REDACTED] pulled his cellular telephone out and showed pictures of a naked girl in a sexual position. [REDACTED] said the girl was lying on her back and it was obvious to [REDACTED] that the girl was about to have sex as there was a guy holding the girls legs up in the air. There were also the arms and head of a person that was just over the shoulder of the guy holding the girls legs. [REDACTED] told [REDACTED] that the person leaning over the shoulder of the guy in the picture was [REDACTED] There was a second photograph shown to [REDACTED] and it consisted of a girl displaying her breasts to the camera. (*Girl described to have large breasts*) [REDACTED] said [REDACTED] told him that the person waiting to have sex with the girl turned and yelled to [REDACTED] to get away from him because [REDACTED] kept yelling for the guy to "Fuck Her." This upset the guy enough to make him turn and tell [REDACTED] to back away and that [REDACTED] was acting like a little kid. About a week or so passed, and [REDACTED] was told by his friend [REDACTED] that [REDACTED] was again engaged

in conversation with friends of his and he was told to "Get rid of the pictures." It is unknown to [REDACTED] who [REDACTED] friends were. [REDACTED] also told me that he used to date a girl that [REDACTED] used to date. The girl told [REDACTED] that when she was dating [REDACTED], she said that [REDACTED] asked her to go to the Hunting Camp in Steuben County in November of 2004. [REDACTED] was happy that she chose to not go and he said that [REDACTED] commented recently that she was thankful that she didn't go as [REDACTED] wanted her too, as she may have been in the middle of all of the controversy right now.

#### **March 17, 2005**

I received a telephone message from Craig Cummings who stated that he would be available during the week of March 21, 2005 for the interview and to call him back with a specific date so he could arrange for his Attorney to be present with him. Craig left his cell number of [REDACTED]

#### **March 17, 2005**

I began a general search of all establishments where adult entertainment was available in the Ontario and Monroe County Bars. I called the Classy Cat located on East Henrietta Road in Henrietta and asked if there was anyone by the name of [REDACTED] that was employed there or if they have ever heard of [REDACTED]. They said no. I then asked about any stage names of "[REDACTED]" or "[REDACTED]" and they again stated no. I then contacted **Ricks Tally Ho** and asked the same information. When I asked about "[REDACTED]" the gentlemen that answered the phone, [REDACTED], stated he was very familiar with [REDACTED] and that she no longer worked for him. (*See Exhibit # 9*) He told me

that he was forced to let her go because the police were in looking for her on a warrant and they assumed it had something to do with her being involved with prostitution. They suspected she was involved with after hours entertainment outside of there business which may have been some prostitution. He researched his records and came up with her old license information which showed her address to be in Georgia and that her real name was "[REDACTED]" A later record check revealed her date of birth to be [REDACTED]. [REDACTED] told me that the police were there looking for her on a warrant which made me wonder if it may have been one of the guys from the hunting trip trying to locate her to silence her with regard to her alleged criminal conduct in Steuben County. This would have been after Craig Cumming's case was presented to Grand Jury and the allegations of his alleged participation in criminal conduct in Steuben County were released. I decided to try to arrange a meet with [REDACTED] to bring the department's photograph with me to see if it may have been one of the parties involved in the hunting trip that was looking for her at Ricks Tally Ho. I asked [REDACTED] to describe the person and the description he gave matched that of Craig Cummings and [REDACTED] I wasn't familiar with any of the other guy's descriptions other than [REDACTED] and [REDACTED] [REDACTED] and it didn't match either of them.

### **March 19, 2005**

I arranged to meet Assistant District Attorney Thomas Reh to travel to Rick's Tally Ho in an effort to locate [REDACTED] and [REDACTED]. (See Exhibit 4) At about 9:40 P.M., we arrived and spoke with [REDACTED] ([REDACTED]). [REDACTED] stated that he received a telephone earlier in the day from [REDACTED] and that she wanted

to hang out with him that night. [REDACTED] stated that he was a friend of hers and that he didn't want to hurt her. He said that he was worried about getting her arrested as she has a kid. I explained to him that we didn't have any warrant for her and that we were not after her to arrest her. All I said I needed to do was talk to her about what may have taken place in Steuben County in November of 2004. [REDACTED] then gave me [REDACTED] cellular phone number so I could call her direct, but he first agreed to call her for us and see if he could figure out where she may be living so we could just go over to her house. Because of the earlier conversation on March 17<sup>th</sup> when [REDACTED] and I discussed the Person who stated they had a warrant for [REDACTED], At 10:18 P.M., I displayed the Police Departments photograph, (*Attached See Exhibit 11*) to [REDACTED] and asked him to see if he recognized the person in the picture that told him he was the police and that he was looking for [REDACTED] on a warrant. Within 45 Seconds, [REDACTED] pointed to the face of [REDACTED] as the person who identified himself as a police officer and said he had a warrant for [REDACTED] in late January or early February.

At about 10:45 P.M., [REDACTED] called me and told me that he had the information about [REDACTED] apartment. He gave me a diagram and told me that it was at [REDACTED] [REDACTED] where she was staying and the apartment address was [REDACTED] [REDACTED]

I called the phone number supplied to me by J [REDACTED] ([REDACTED]). On the third attempt, the person answered and I asked for [REDACTED] The person said that it was [REDACTED] and we spoke for a couple of minutes. [REDACTED] was very nervous that she was

talking to the police and she was begging me to tell her if I had a warrant for her. I said I didn't have a warrant, and she told me the police were looking for her in Rick's Tally Ho in Late January or early February. I tried to explain to her that I felt it was the guys involved in the party in Steuben County that were trying to find her. I tried to get her to come out and meet Thomas Reh and me at a restaurant, but she was too scared. She said to me that [REDACTED] called her and told her the police were trying to find her.

*This information is critical as [REDACTED] lied to Lt. Bornheimer and me about his ability to contact her. (See Exhibit #5)*

[REDACTED] said she would call me right back. A short time later, I received a telephone call from a male identifying himself as [REDACTED]. He said that [REDACTED] wasn't available to come out and that he was her boyfriend and the father of her child. He asked me if it was about [REDACTED] stripping for cops in Steuben County and I said that it was. He told me that he knows everything that [REDACTED] does and that she didn't do anything wrong. He said she stripped for the guys, got paid her money, and nobody ripped her off. He said she drank a couple of Busch Beers. He specifically said she "drank" a couple of Busch Beers. This made me believe that someone had already spoken to her as I learned through statements of [REDACTED] and [REDACTED] that a Busch Beer was a form of a sexual act that was performed by the stripper at the cabin. [REDACTED] told me that he would come out and meet me on Sunday with [REDACTED], but it was too late to come out that evening. I agreed and [REDACTED] was to call me the next day at noon. We continued to look for [REDACTED], but were met with negative results.

**March 21, 2005**

I contacted [REDACTED] to see if she would be willing to talk with me about the information I had surrounding the conversation she had with [REDACTED]. [REDACTED] agreed to meet with me at Tim Horton's Restaurant on North Main Street in the City of Canandaigua. [REDACTED] verbally discussed openly, without questions, her relationship with [REDACTED], which is not relevant to the case other than it establishes her credibility and the trust that [REDACTED] placed in her during the relationship period, which was from October of 2004 through the time of the hunting trip. It ended in January of 2005. During my conversation with [REDACTED] I took written notes in detail about the information she shared. After we were done talking, I took the notes and condensed it to a typed written statement to meet back up with her and have her review and sign the statement. *(See Exhibit #6)* Throughout her statement to me, she made reference to Craig Cummings having Sexual Intercourse with the girl when he went up into the loft to "Steal" his money back that he had paid her. [REDACTED] told [REDACTED], "The girl would get on top of a guys chest and sit over the guys face while the other guys were fucking the girl in the ass." [REDACTED] continued telling things to [REDACTED] about what took place at the camp. *(See Exhibit # 3)* [REDACTED] referenced "The girl at the camp" as a "Hooker" to others which contradicts his statement to Lt. Bornheimer. *(See exhibit 10)*

March 22, 2005

I received a telephone call from [REDACTED] and he stated that he wanted to meet with me to straighten out the "rumors" he was hearing about what took place at his hunting camp. I agreed to meet [REDACTED] at Tim Hortons on North Main Street. [REDACTED] told me that all of the incidents that have taken place over the years have involved [REDACTED] and that he wasn't very fond of [REDACTED] because of that. He still allowed for [REDACTED] to come to the camp this year when he knew he shouldn't have. He recalled that it was opening day and [REDACTED], [REDACTED] and another guy, and the girl arrived at the camp at about 9:30 or 10:00 at night. It was Monday. He said the girl did not spend the night at the camp. He recalled at one point in the night, [REDACTED] was going to the loft to steal his money back. When [REDACTED] first got to the camp with the girl, he was going around trying to collect \$80.00 from everyone in attendance. [REDACTED] said that he knew for sure that [REDACTED], [REDACTED] and himself, gave no money to anyone. He couldn't speak for anyone else. [REDACTED] described the Busch Beers and that the girl did 2 or 3 Busch Beers. [REDACTED] said that at no time did Craig or anyone go alone with the girl up into the loft and he knows for certain that there was no way possible that anyone had any time to be alone with the girl long enough to have sex with her. He was adamant that sex did not take place in his camp. [REDACTED] went on to tell me about an incident [REDACTED] was involved in 2 or 3 years ago where [REDACTED] arranged for three fat girls to cook breakfast for the guys and come to the camp the next morning. Only two girls showed at the camp. [REDACTED] went into the woods for a walk with one of the girls. [REDACTED] ended up closing everything down as he was mad and within 45 minutes, he told everyone they had to leave the camp. The camp is located on [REDACTED] in [REDACTED].

**March 30, 2005**

I was able to make contact with [REDACTED] who agreed to come and meet me in public at a Tim Hortons on Lehigh Station Road in Henrietta. I agreed to meet her at 12:00 noon at the Tim Hortons. [REDACTED] gave me a written statement (*See Exhibit #12*) [REDACTED] was shown the departments photograph to see if she could identify who was present at the camp. (*See Exhibit 11*) She immediately pointed to [REDACTED] and Craig Cummings. [REDACTED] said that she was extremely upset with Craig as he treated her like crap and made rude comments to her by calling her a whore while she was dancing. She also said that he placed a bet and paid her \$100.00 to have sex with [REDACTED]. She wasn't aware of everyone's name other than [REDACTED], because of how rude he was, and when she pointed to Craig in the picture, she said she didn't know his name but he was the guy that was out of work with a knee problem and that he was recovering from surgery and out of work. She then referenced him in her statement as Craig. She also referenced [REDACTED] as the "Guy with White Hair" She also mentioned that when she left the hunting camp, she discovered that someone had taken the hundred dollars from her purse. She didn't know where it went but she suspected someone stole it. [REDACTED] was asked about what she did at the party and she admitted to trying to have sex with her boyfriend for \$100.00. She also said she did participate in what she called a

Busch Beer with Craig Cummings. She said she was making out with Craig Cummings in the Loft area of the cabin. [REDACTED] also admitted that she had lied to me about dating [REDACTED]. She said that she never dated [REDACTED] (See [REDACTED] - *Exhibit #5*) and that it was [REDACTED] that called her and told her to lie to the police if they found her and said that she was dating him. She also admitted to lying about how many Busch Beers she did with the guys. She was told to only say that she did one Busch Beer. She also said she was paid for her dancing at the cabin.

**April 1, 2005**

I contacted [REDACTED] on his cellular Phone and had a conversation with him about the discrepancies I found in my investigation. I asked [REDACTED] specifically if he gave [REDACTED] any money back and he said [REDACTED] bet the hundred dollars and that he never touched any money. I asked if he got [REDACTED] his money back from the stripper and he said he did not get any money for [REDACTED]. (See *Exhibit # 13*) He said he wanted all of this to be put to rest and that If [REDACTED] and Craig are in some kind of trouble, then they are on their own.

### **Conclusion of Investigation**

**Accused: Police Officer Craig Cummings**

**Charge- Unbecoming Conduct in violation of CPD Rules and Regulations Sec. 3-2**

Police Officer Craig Cummings Involved himself in unbecoming conduct, by engaging in sexual activities with a female, during the month of November of 2004, while at a hunting camp in the Town of Howard in Steuben County. Said involvement brought discredit to the Canandaigua Police Department by the accused performing in an unbecoming manner in front of witnesses who are members of the Community in which Police Officer Craig Cummings is charged with the duties and responsibilities of providing public safety.

### **FINDINGS- CHARGE SUSTAINED**

**Accused: Police Officer Craig Cummings**

**Charge- Immoral Conduct in violation of CPD Rules and Regulations Sec. 3-3**

Police Officer Craig Cummings Involved himself in immoral conduct by engaging in sexual activities with a female, during the month of November of 2004, while at a hunting camp in the Town of Howard in Steuben County. Said involvement

brought discredit to the Canandaigua Police Department by the accused performing in an unbecoming manner in front of witnesses who are members of the Community in which Police Officer Craig Cummings is charged with the duties and responsibilities of providing public safety.

#### **FINDINGS- CHARGE SUSTAINED**

**Accused: Police Officer Craig Cummings**

**Charge –Disorder or neglect to the prejudice of good order, efficiency or discipline in violation of CPD Rules and Regulations Sec. 3-60**

Police Officer Craig Cummings brought disruption to the efficiency or discipline of the entire police department organization by placing himself in a position to be involved in sexual activity with a female in the presence of witnesses who are residents of the City of Canandaigua.

#### **FINDINGS- CHARGE SUSTAINED**

Police Officer Craig Cummings brought discredit and disruption to the efficiency and discipline of the Police Department organization by engaging in conduct off-duty which caused him to be arrested for his alleged involvement in the intentional shooting of a domestic animal in the Town of Canandaigua in November of 2004. Said actions caused Craig Cummings to be indicted by the Ontario County Grand Jury.

#### **FINDINGS- CHARGE SUSTAINED**

**Accused: Police Officer Craig Cummings**

**Charge – Professional Standards of Conduct in violation of CPD Gen. Order 1.01 C.3**

Police Officer Craig Cummings violated General Order 1.01 C.3 by engaging in a sexual act with a female in the presence of witnesses which negates his oath as a police officer.

**FINDINGS- CHARGE SUSTAINED**

INSTRUCTIONS TO ADDRESSEE  
1. Write Reply on Bottom  
2. Return White Copy and Retain Yellow Copy  
3. Use Fold Marks on Right Edge of Form for Window Envelope

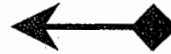
INSTRUCTIONS TO ORIGINATOR  
1. Detach Pink Copy  
2. Send White and Yellow Parts to Person Addressed  
3. Use Fold Marks on Left Edge of Form for Window Envelope

From

**Police Department**  
City of Canandaigua  
21 Ontario Street  
Canandaigua, New York 14424

PLEASE RETURN THIS  
MESSAGE REPLY TO

Telephone: 585.396.5035  
Fax: 585.396.5034



To

*Dgt. Colacino*

DATE

*Dec. 9-04*

SUBJECT

*EmCon Violation  
P.O. C. Cummings*

Message

*St. David Baker, N.Y. Conservation Police  
informed me today that his office was  
investigating circumstances connected with  
the shooting of a domestic dog. Indications  
that the shooter was P.O. Craig Cummings.*

*Please prepare a case folder for Int. Affairs  
purposes and commence a Confidential  
Collection of facts connected with this  
matter.*

*JMR*

SIGNED

Reply

DATE

*Assigned IA 003-2004  
1-12-2005*

SIGNED

ORIGINATOR: Detach Pink Copy, Forward Balance of Set Intact

ADDRESSEE: Detach Yellow Copy and Keep for Your Records, Return White Copy

EXHIBIT 1

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424  
(585) 396-5035 Phone  
(585) 396-5034 Fax  
Dial 911 for All Emergencies

Patrick W. McCarthy  
Chief of Police



## Personnel Order #1(S05)

February 21, 2005

**TO:** All Members of the Department  
**FROM:** Chief Patrick W. McCarthy  
**SUBJECT:** Suspension Without Pay

Rank	Shield #	Name	Assignment
P.O.	112	Craig S. Cummings	Patrol Division

Suspended from duty without pay effective February 16, 2005

BY ORDER OF,

PWMcC:cb

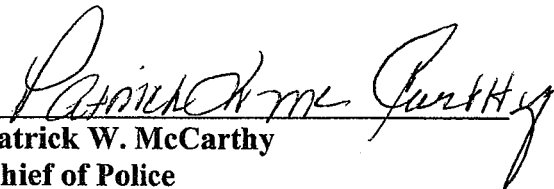
  
Patrick W. McCarthy  
Chief of Police

EXHIBIT 15

## ADMINISTRATIVE WARNINGS

I wish to advise you that you are being questioned as part of an official investigation of the Canandaigua Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.




You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

However, I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which may result in your dismissal from the Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.

DATE: 03-23-2005

TIME: 14:26 P.M.

  
OFFICER'S SIGNATURE  
  
WITNESS'S SIGNATURE  
  
Sgt. Michael Moran

CPD#65


### ADMINISTRATIVE WARNINGS

I wish to advise you that you are being questioned as part of an official investigation of the Canandaigua Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

However, I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which may result in your dismissal from the Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.

  
\_\_\_\_\_  
OFFICER'S SIGNATURE  
  
\_\_\_\_\_  
WITNESS'S SIGNATURE

DATE: 02-18-05

TIME: 12:25 PM

CPD#65

STATE OF NEW YORK  
COUNTY COURT COUNTY OF ONTARIO

THE PEOPLE OF THE STATE OF NEW YORK

vs.

CRAIG CUMMINGS,

Defendant.

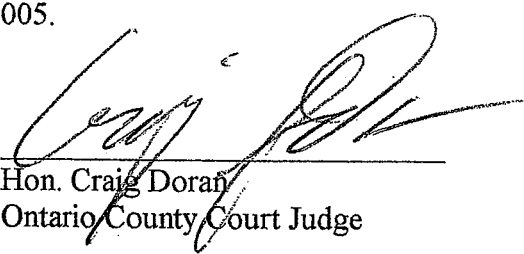
ORDER

COPY

PLEASE TAKE NOTICE that, under the authority of Section 215.70 of the Penal Law, this Court hereby orders that the Ontario County District Attorney's Office may : (1) advise courthouse <sup>SECURITY</sup> personnel that Mr. Cummings is not to enter the courthouse armed, and is further to stay off the floors (3<sup>rd</sup> and 5<sup>th</sup>) that the D.A.'s Office occupies; and (2) advise the Canandaigua Police Department of the Indictment to allow them to take appropriate action to protect the public safety and prevent liability issues

AND THAT THOSE TO WHOM THE ABOVE MENTIONED INFORMATION IS GIVEN BE ADVISED TO DISCLOSE SAME ONLY AS NECESSARY TO ACCOMPLISH OBJECTIVES HEREIN  
ENTER:

Signed and dated at Canandaigua, New York,  
this 26<sup>th</sup> day of JAN. 2005.

  
Hon. Craig Doran  
Ontario County Court Judge

STATE OF NEW YORK

COUNTY OF ONTARIO                      COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK

INDICTMENT

vs.

05-01-011

CRAIG CUMMINGS,

Defendant

---

THE GRAND JURY OF THE COUNTY OF ONTARIO, by this Indictment, accuse the defendant, of the crime of **CRIMINAL MISCHIEF IN THE THIRD DEGREE**, in violation of Section 145.05(2) of the Penal Law of the State of New York, committed as follows:

The defendant, on November 30, 2004, at a location near [REDACTED], [REDACTED], County of Ontario, with intent to damage the property of [REDACTED] and having no right to do so nor any reasonable ground to believe that he had such right, did damage [REDACTED] property in an amount exceeding \$250; to wit, the defendant intentionally shot and killed 'Angel', an American Mastiff dog with a value of \$1,000 or more.

COUNT TWO

THE GRAND JURY OF THE COUNTY OF ONTARIO, by this Indictment, further accuse the defendant, of the crime of **CRIMINAL MISCHIEF IN THE FOURTH DEGREE**, in violation of Section 145.00(3) of the Penal Law of the State of New York, committed as follows:

The defendant, on November 30, 2004, at a location near [REDACTED], [REDACTED], County of Ontario, having no right to do so nor any reasonable ground to believe that he had such right, recklessly damaged property of [REDACTED] in an amount exceeding \$250; to wit, the defendant recklessly shot and killed 'Angel', an American Mastiff dog with a value of \$1,000 or more.

### COUNT THREE

THE GRAND JURY OF THE COUNTY OF ONTARIO, by this Indictment, further accuse the defendant, of the crime of **OVERDRIVING, TORTURING AND INJURING ANIMALS**, in violation of Section 353 of the Agriculture and Markets Law of the State of New York, committed as follows:

The defendant, on November 30, 2004, at a location near [REDACTED], [REDACTED] County of Ontario, unjustifiably shot and killed 'Angel', an American Mastiff dog.

### COUNT FOUR

THE GRAND JURY OF THE COUNTY OF ONTARIO, by this Indictment, further accuse the defendant, of the crime of **VIOLATING THE PROHIBITIONS ON THE USE AND POSSESSION OF FIREARMS (FIRING WITHIN 500 FEET OF A DWELLING)**, in violation of Section 11-0931(4)(a)(2) of the Environmental Conservation Law of the State of New York, committed as follows:

The defendant, on November 30, 2004, at a location near [REDACTED], [REDACTED] County of Ontario, discharged a shotgun within 500 feet from a dwelling actually occupied or used; to wit, the defendant discharged his shotgun within 500 feet of [REDACTED] occupied residence, when none of the exceptions set forth in Environmental Conservation Law Section 11-0931(4)(b) applied.

### COUNT FIVE

THE GRAND JURY OF THE COUNTY OF ONTARIO, by this Indictment, further accuse the defendant, of the crime of **PERJURY IN THE FIRST DEGREE**, in violation of Section 210.15 of the Penal Law of the State of New York, committed as follows:

The defendant, on January 25, 2005, sitting before the Ontario County Grand Jury, Ontario County Courthouse, City of Canandaigua, County of Ontario, swore falsely, and such false statement consisted of sworn testimony, and was material to the action, proceeding, or matter in which it was made; to wit, the defendant made a knowingly false statement to the Ontario County Grand Jury that, on November 30, 2004, he had fired both shots into the woods to the east of his location.

**COUNT SIX**

**THE GRAND JURY OF THE COUNTY OF ONTARIO**, by this Indictment, further accuse the defendant, of the crime of **PERJURY IN THE FIRST DEGREE**, in violation of Section 210.15 of the Penal Law of the State of New York, committed as follows:

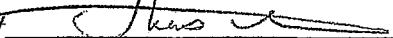
The defendant, on January 25, 2005, sitting before the Ontario County Grand Jury, Ontario County Courthouse, City of Canandaigua, County of Ontario, swore falsely, and such false statement consisted of sworn testimony, and was material to the action, proceeding, or matter in which it was made; to wit, the defendant made a knowingly false statement to the Ontario County Grand Jury that on November 30, 2004, the dog he had shot was in the woods east of the defendant's location at the time the defendant fired the second shot.

**COUNT SEVEN**

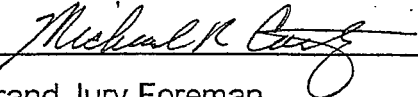
**THE GRAND JURY OF THE COUNTY OF ONTARIO**, by this Indictment, further accuse the defendant, of the crime of **CRIMINAL CONTEMPT IN THE FIRST DEGREE**, in violation of Section 215.51(a) of the Penal Law of the State of New York, committed as follows:

The defendant, on January 25, 2005, sitting before the Ontario County Grand Jury, Ontario County Courthouse, City of Canandaigua, County of Ontario, after having been sworn and waiving his right to immunity, contumaciously and unlawfully refused to answer a legal and proper interrogatory; to wit, the defendant refused to answer questions regarding his participation in criminal conduct at a hunting camp in Steuben County in November of 2004. Such inquiry was a legal and proper inquiry as it related to the defendant's credibility, and directly contradicted his prior unsolicited statement to the Grand Jury that he would not engage in any conduct that would jeopardize his family, job, or hunting license.

R. Michael Tantillo, District Attorney

By 

Thomas Reh, Asst. District Attorney

  
Grand Jury Foreman

<b>I n c i d e n t</b>	1. Agency <b>Ontario County Sheriff's Office</b>				2. Division/Precinct <b>POST 5</b>		New York State <b>INCIDENT REPORT</b>			3. ORI <b>NY0340000</b>		4. Original/ Supp. <b>Original</b>		5. Incident No. <b>CR430697</b>																																							
	6. Report Day <b>WE</b>		7. Date <b>12-01-04</b>		8. Report Time <b>1700</b>		Occurred On/From <b>TU</b>		9. Day <b>11-30-04</b>		11. Time <b>1553</b>		Occurred To <b>TU</b>		13. Date <b>11-30-04</b>		14. Time <b>PM</b>																																				
	15. Incident Type <b>SHOT DOG</b>							16. Business Name <b>-</b>				17. Weapons <b>SHOTGUN</b>				A. <b>08</b>																																					
	18. Incident Address (Street No., Street Name, Bldg. No., Apt. No.) <b>[REDACTED]</b>										19. City, State, Zip <b>[REDACTED]</b>			20. Location Code <b>[REDACTED]</b>			B. <b>-</b>																																				
<b>A s s o c i a t e d P e r s o n s</b>	21. OFF. No.    LAW    SECTION    SUB    CL    CAT    DEG    ATT    NAME OF OFFENSE    CTS    VICT. NO.    SUSP. NO.																		C.																																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">1</td> <td style="width:10%;">ECL</td> <td style="width:10%;">11-0931</td> <td style="width:10%;">4a2</td> <td style="width:10%;">-</td> <td style="width:10%;">V</td> <td style="width:10%;">-</td> <td style="width:10%;">0</td> <td style="width:40%;">Discharging firearm w/in 500' of a dwelling</td> <td style="width:10%;">1</td> <td style="width:10%;">1</td> <td style="width:10%;">1</td> </tr> </table>																		1	ECL	11-0931	4a2	-	V	-	0	Discharging firearm w/in 500' of a dwelling	1	1	1	D. <b>46</b>																						
	1	ECL	11-0931	4a2	-	V	-	0	Discharging firearm w/in 500' of a dwelling	1	1	1																																									
	22. Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed																		23. Complainant also victim? Yes		E.																																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>TYPE/NO</th> <th>NAME (LAST, FIRST, MIDDLE, TITLE)</th> <th>STREET NO. STREET NAME BLDG. NO. APT. NO. CITY, STATE, ZIP</th> <th>TELEPHONE NO.</th> </tr> <tr> <td>CO/VI</td> <td>[REDACTED]</td> <td>[REDACTED]</td> <td>[REDACTED]</td> </tr> <tr> <td>OT</td> <td>ECO JOHN DOBIES</td> <td>S/R 5 AVON, NY 14414</td> <td>226-6706</td> </tr> <tr> <td>OT</td> <td>ECO JOHN STANSFIELD</td> <td>S/R 5 AVON, NY 14424</td> <td>226-6706</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Business Home</td> </tr> </table>																		TYPE/NO	NAME (LAST, FIRST, MIDDLE, TITLE)	STREET NO. STREET NAME BLDG. NO. APT. NO. CITY, STATE, ZIP	TELEPHONE NO.	CO/VI	[REDACTED]	[REDACTED]	[REDACTED]	OT	ECO JOHN DOBIES	S/R 5 AVON, NY 14414	226-6706	OT	ECO JOHN STANSFIELD	S/R 5 AVON, NY 14424	226-6706				Business Home	F. <b>-</b>															
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OT	ECO JOHN STANSFIELD	S/R 5 AVON, NY 14424	226-6706																																																		
			Business Home																																																		
<b>S u s p e n d i n g</b>	24. Date of Birth <b>[REDACTED]</b>		25. Age <b>47</b>		26. Sex <b>M</b>		27. Race <b>White</b>		28. Ethnic <b>Non-Hispanic</b>		29. Handicap <b>No</b>		30. Residence Status <b>Resident</b>				J. <b>-</b>																																				
	31. Type/No <b>S-1</b>		32. Name (Last, First, Middle) <b>CUMMINGS, CRAIG S.</b>				33. Alias/Nickname/Maiden Name (Last, First, Middle) <b>NONE</b>				34. Condition <b>App. Norm.</b>				K. <b>-</b>																																						
	35. Address (Street No., Street Name, Bldg. No., Apt. No., City, State, Zip) <b>[REDACTED]</b>										36. Phone No. <b>[REDACTED]</b>		37. Social Security No. <b>X</b>				L. <b>-</b>																																				
	38. Date of Birth <b>[REDACTED]</b>		39. Age <b>34</b>		40. Sex <b>M</b>		41. Race <b>White</b>		42. Ethnic <b>Non-Hispanic</b>		43. Skin <b>Light</b>		44. Occupation <b>POLICE OFF.</b>				M. <b>0</b>																																				
<b>P r o p e r t y</b>	45. Height <b>6-03</b>		46. Weight <b>280</b>		47. Hair <b>BRO</b>		48. Eyes <b>BLU</b>		49. Glasses <b>No</b>		50. Build <b>Large</b>		51. Employer/School <b>CDGA P.D.</b>		52. Address <b>ONTARIO ST. CDGA</b>				N. <b>-</b>																																		
	53. Scars/ Marks/ Tattoos/ (Describe) <b>X</b>								54. Misc. <b>X</b>																																												
	55. Vic/Susp. No.    Prop. Status    Article Code    Quantity    Make    Model    Serial No.    Description    Value																																																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4">56. Veh. Status</td> <td colspan="2">57. License Plate No.</td> <td colspan="2">58. State</td> <td colspan="2">59. Exp. Yr.</td> <td colspan="2">60. Plate Type</td> <td colspan="4">61. Vehicle Notes</td> </tr> <tr> <td colspan="2">62. Veh. Yr.</td> <td colspan="2">63. Make</td> <td colspan="2">64. Model</td> <td colspan="2">65. Style</td> <td colspan="2">66. VIN.</td> <td colspan="2">67. Color</td> <td colspan="2">68. T. By: O W To:</td> <td colspan="2">69. Value</td> <td colspan="2">70. Drug Type    Quantity    Measure</td> </tr> </table>																		56. Veh. Status				57. License Plate No.		58. State		59. Exp. Yr.		60. Plate Type		61. Vehicle Notes				62. Veh. Yr.		63. Make		64. Model		65. Style		66. VIN.		67. Color		68. T. By: O W To:		69. Value		70. Drug Type    Quantity    Measure		D. <b>1</b>
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<b>N a r r a t i v e</b>	<p>71. At 1553 on 11-30-04 I responded to [REDACTED] to meet with Craig Cummings, who called OC dispatch to report he accidentally shot a dog behind [REDACTED]. Cummings stated he was hunting on property owned by [REDACTED] and shot at two running deer with his Remington semi-automatic shotgun twice. After the second shot he heard a yip and saw a large tan dog in the area where the deer were. It was bleeding out of it's right side and running toward a residence he knew belonged to [REDACTED]. Cummings stated he had seen that dog and three others from that residence earlier in the hunting season. Cummings started to walk toward the dog and the [REDACTED] residence and then turned around and ran to his truck after he heard several people at the residence yelling very emotionally at him. He stated he called OC dispatch before he reached his vehicle.</p> <p>Cummings and I responded back to the field where he shot from. I found one spent Federal 12 gauge shotgun shells on the ground and placed it in a tree to mark the location. Cummings pointed out the location in the woods where he saw the deer and the</p>																		Xo																																		
	72. Inquiries (Check all that apply) <b>Other</b>																		73. NYSPIN Message No. <b>-</b>		74. Complainant Signature <b>[REDACTED]</b>				82. <b>1</b>																												
	75. Reporting Officer Signature (Include Rank) <b>Deputy GJ Shaffer</b>								76. ID No. <b>117</b>		77. Supervisor's Signature (Include Rank) <b>[REDACTED]</b>																																										
	79. Case Status <b>Open</b>										80. Status Date <b>12-01-04</b>				81/ Nt <b>DA</b>																																						

1. Agency <b>Ontario County Sheriff's Office</b>		2. Division/ Precinct <b>POST 5</b>		New York State <b>SUPPLEMENTAL REPORT</b>		Supplement To:		Incident No. <b>CR430697</b>		5. Arrest No.	
5. Date <b>12-01-04</b>		6. Time of Report <b>1700</b>		7. Complainant Name [REDACTED]				8. (Offense Name) <b>SHOT DOG</b>			

9. Narrative

the direction he shot. The shot was not in the direction of any houses or other buildings, but appeared to be less than 500 feet from [REDACTED] residence. Cummings stated he was hunting with one of the [REDACTED] and his juvenile step-son, but no one else had shot. I took Cumming's hunting license number and released him.

The OC Humane Society had responded to [REDACTED] and picked up the dog, which was an American Mastiff about 120# and tan in color with a predominately black muzzle. The Humane Society Officer, [REDACTED], met up with me and showed me the dog. It appeared to have been shot with a large caliber round in the right side, behind the front shoulder, and exited on the left side, about the same place.

I responded to the [REDACTED] residence, [REDACTED] [REDACTED] stated he was in the house and heard two shots from the area directly to the north of his house. He ran outside to check on his children and his daughter yelled to him that Angel, the Mastiff, had been shot. [REDACTED] observed two hunters leaving the area on foot, headed northwest. He ran to his dog, which fell on a trail east of his house about 100-150 feet. There was a large amount of blood at that location, but I was unable to find a blood trail at that time. [REDACTED] thought the dog was shot where he found it. I told [REDACTED] that I had made contact with the hunter and the incident appeared to be an accident, but I was going to do an investigation with the assistance of the NYS DEC and would be in contact with him. [REDACTED] asked who the shooter was, and I gave him Cummings' name.

I met with ECO Stansfield later that evening and gave him the information I had. We planned on revisiting the scene on today's date when there was daylight.

ECO Dobies contacted me today and informed me that he was taking over the investigation. We returned to the scene and measured the distance from the spent shell casing, which was no longer there, and the [REDACTED] home, at approximately 297 feet. We were also able to locate a faint blood trail that led from the location the dog fell toward the direction of the woods that Cummings had indicated where he had shot at the deer. Dobies took a statement from [REDACTED] and will confer with me at a later date.

ADMINISTRATIVE	10. Inquiries <b>Other</b>		11. NYSPIN Message No.		12.		52.	
	13. Reporting Officer's Signature (Include Rank) <b>Deputy GJ Shaffer</b>		14. ID No. <b>117</b>		15. Supervisor's Signature (Include Rank)		16. ID No.	
	17. Case Status <b>Open</b>		18. Status Date <b>12-01-04</b>		19. Notified/ TOT <b>DA</b>		<div style="border: 1px solid black; padding: 2px; text-align: center;"> <div style="display: flex; justify-content: space-between;"> <div>2</div> <div>Page of Pages</div> </div> <div style="display: flex; justify-content: space-between;"> <div>2</div> <div><b>A</b> use cover sheet</div> </div> </div>	



## NARRATIVE REPORT

CASE NUMBER	CASE NAME	DATE
04-026493	Cummings Dog shooting	12/01/04
ECO/INVESTIGATOR		
Dobies/ Stansfield		
SUBJECT/ PURPOSE		
Narrative report on case events involving Craig Cummings		
<u>12/01/04</u>		
Synopsis:		
<ul style="list-style-type: none"><li>I was contacted by Lt. Baker regarding a request to document a dog's shooting that occurred on 11/30/04. The Ontario county Sheriff's department received a call from a Mr. [REDACTED] of [REDACTED] that someone had shot his dog (Bull Mastiff). The Humane Society of Ontario County has this same dog and they were going to cremate the dog on this date. Before the dog is cremated, I was directed to take pictures relating to the dog's wounds and to document the bullet's entrance and exit on the dog.</li></ul>		
<u>12/01/04</u>		
<ul style="list-style-type: none"><li>I traveled to the Ontario County Humans Society located at 2976 County Rd. # 48, Canandaigua, NY 14424. I met with the manager, Ed McGuigan and who provided me with a copy of the Cremation papers dated 11/30/04. This was in response to a request from Mr. [REDACTED] dog to be cremated at their facility. Mr. [REDACTED] provided me with Complaint record # 042346. The complaint was from Mr. [REDACTED] regarding his shot dog.</li><li>I also documented the dog's injuries. The dog was a light brown in color Bull Mastiff. The dog was stored in the area where the facility does its cremations. I requested to see the dog and I was allowed to take pictures with my Kodak Digital camera, Model DX 7440. I took Five pictures of the dog. Start time 1140 hrs. To 1148 hrs.</li><li>Mr. [REDACTED] dog was shot once with a 12-gauge slug round, starting on the right side behind the right shoulder and the bullet passed through to the left side just behind the left shoulder. The shot appears to have passed through both lungs of the dog.</li></ul>		
See attachment Photo Log S-1. S-1a		
See attachment S-2 copy Complaint record # 042346.		
<ul style="list-style-type: none"><li>I arrived to meet Deputy Shafer at [REDACTED] and we attempted to locate and reconstruct the dog's shooting area in which occurred on 11/30/04. We met with the complainant, Mr. [REDACTED] at his home and he explained that the dog had died on his own property in the back yard. According to Mr. [REDACTED] the dog was heading south and it died of its injuries suffered from a bullet wound. The site of the shooting was due North of Mr. [REDACTED] residence as Mr. [REDACTED] heard the shots (2).</li></ul>		

- The area was searched by Deputy Shafer on 11/30/04 and he found a spent 12 gauge casing located on the lane way. The shell was approximately 300 feet away from the residence of Mr. [REDACTED]. Deputy Shafer marked the location by placing the casing on a small branch of a sapling tree. This same tree was identified by Dep. Shafer on the pathway because the tree's branch was broken.

- I documented the approximate locations of where the dog had been seen by Mr. Cummings according to his information and photographing the same. We found three areas of what appears to be blood evidence. The trail of blood shows that the dog was coming from the adjoining property ([REDACTED]) and the dog after it was shot, was heading south attempting to get back to it's home.

- The area was checked for any physical evidence. The shooter's location was documented by measuring the location of where the shell casing was found on 11/30/04 by Deputy Shaffer. The shell was placed in a small tree sapling along the pathway to mark the location of where Mr. Cummings had fired from. The sapling's branch was broken by Dep. Shaffer as to hold the spent shell casing. This same location was identified by identifying the sapling's broken branch but the casing was missing from the branch. Myself and Dep. Shaffer searched the area around the tree with no success as to find the spent shell. We did measure the distance from the sapling tree to the corner of Mr. [REDACTED] residence. This measurement was @ 297 feet. This area was in fact where Mr. Cummings had indicated to me and Officer Stansfield that he had twice fired into the woods in an Easterly direction.

- Deputy Shaffer left the area and I met with Mr. [REDACTED] in his home. Mr. [REDACTED] explained the incident of his dog being shot on 11/30/04. His daughter was there also and she remembers hearing two shots right next to her home on 11/30/04. The time between the first shot and the second shot was @ 20 seconds. Mr. [REDACTED] daughter found her dog in the back yard.

**See Attachment Dep S-3**

**12/02/04**

- I obtained an ariel photo from Terry Saxby, The Ontario County Planning Board of the case property located off [REDACTED]

**See Attachment S- 3 Aerial Photo**

- 1500 hrs. , I met ECO Stansfield to interview Mr. Craig Cummings at the Canandaigua State Boat Launch site. We wanted to see Mr. Cummings in a neutral setting. Mr. Cummings was at the site and he explained the incident of him shooting the dog on 11/30/04. Mr. Cummings was free to leave and he insisted to explain his actions on how he shot the dog.

**See attached S-4**

**12/04/04**

- I met with ECO Stansfield to obtain a written deposition from Mr. [REDACTED] Case 156 [REDACTED]

- I, along with ECO Stansfield, spoke to [REDACTED] and his step son, [REDACTED]. Both [REDACTED] and [REDACTED] witnessed the dog being shot on 11/30/04. The dog was hit by Craig Cummings firing a single round from his 12 gauge shotgun. This occurred @ 1530 hrs. According to [REDACTED] he did not see any deer around the dog at the time it was shot. Mr. Cummings indicated to me on 12/2/04 that the dog was chasing deer. The dog's owner, Mr. [REDACTED] beagle was out chasing deer, after the dog was shot on 11/30/04. Mr. [REDACTED] witnessed the beagle dog chase two deer in the field on 11/30/04. We obtained a written deposition of the above from Mr. [REDACTED]

**See attachment S-5**

- Case work on reports and pictures.

12/08/04

- Travel to pick up the Total Work Station report and CD from Deputy Butler.

See Attachment S-6

- Travel to pick up deposition from [REDACTED] of the Ontario County Humane Society.

See attachment S-7

12/09/04

- Travel to meet [REDACTED] for information on his contact with Craig Cummings. I obtained a written deposition from [REDACTED].

See Attachment S-8

12/10/04

- Travel to meet ADA Reh on the case file and to discuss the case. I was with ECO Stansfield and Lieutenant Baker. Ontario County Deputies, Gregg Shaffer and Pete Butler were also present.
- I met ECO Stansfield and we both went to Mr. [REDACTED] residence at [REDACTED] Mr. [REDACTED] indicated to us that he was working on 11/30/04 which was the day the dog was shot. Craig Cummings did call him on Mr. [REDACTED] cell phone during his work hours. Mr. [REDACTED] was working at the Raymore and Flannigan business in Canandaigua from 1P.M to 9p.M.
- Mr. [REDACTED] was asked if he met with Craig after his work and he said "No." I also asked him for his hunting license and he did produce the license.
- Mr. [REDACTED] was asked what type of gun did Craig use to hunt with and he said it was a 1187 Remington 12 gauge shot gun with a scope.

See attachment S-9

12/13/04

- I contacted Mike Tantillo, Ontario County District Attorney and discussed the case.
- I supplied the cell phone numbers from Craig Cummings and [REDACTED] to his office. These cell numbers will be used in the investigation. An Ontario County Court Subpoena will be issued for each number, in order to get the information from the calls made starting on 11/30/04.

12/15/04

- Travel to meet ADA Toby Reh on the Subpoena's. I supplied the [REDACTED] deposition S-9 and [REDACTED] dog breeder's information.

See Attachment S-10 A

## OFFICE OF PUBLIC PROTECTION



## NARRATIVE REPORT

CASE NUMBER	CASE NAME	DATE
	Dog Shot case town of Canandaigua	12/2/04
ECO/INVESTIGATOR ECO Dobles		
SUBJECT/ PURPOSE Interview of Craig Cummings		
<p><b>Synopsis:</b></p> <p>I, along with ECO Stansfield, interviewed Mr. Cummings in the city of Canandaigua at @ 1500 hrs. Mr. Cummings indicated to us that he was attempting to take a doe deer on the property owned by [REDACTED] on 11/30/04. Mr. Cummings had discharged his 12 ga. Shotgun twice with the first round at a doe deer and the second round at this same deer. The deer was never hit. Mr. Cummings did hear what appeared to be a "yelp" from a dog after his first shot. Both shots were in an east direction and into the woods.</p> <p>Mr. Craig Cummings stated that he was hunting with a [REDACTED] and F [REDACTED] (Last name unknown) on 11/30/04. Mr. Cummings was hunting on [REDACTED] grandfather's property, [REDACTED], which is located off [REDACTED]. All three of the hunters were walking in a westerly direction up the old logging road. This same road is located on the far south side of the property. Craig said [REDACTED] and [REDACTED] had just left the lane way and they were heading west and Craig went north. [REDACTED] and his step son were up in the open field hunting which is due southwest of Craig's location. According to Craig, he said, "the deer came up into the woods behind him "(Southeast) and he spotted several doe deer running in the woods. He fired his first shot at a doe and he remembers hearing "a yelp. After a few more seconds he spotted this same deer and he fired a second shot. A few seconds later he observed a brown object coming through the woods. He thought it might have been a deer but when he saw its black face, Craig could see it was a dog. The dog then came out the woods into the lane way (location where all three hunters split up) and the dog went back down into the woods. He could no longer see the dog.</p> <p>Craig then went toward the last location where he saw the dog and then he heard loud screaming. He heard someone yell "They've shot my dog." Craig then realized he had shot a dog and he headed East through the woods for his vehicle. He was parked at the land owner's residence. Craig said, he called the 911 dispatch immediately when he got to his vehicle.</p> <p>Craig met with Deputy Shaffer and he went to the location of his shooting. Craig showed Deputy Shafer where he shot from and where he shot into the woods.</p>		

## OFFICE OF PUBLIC PROTECTION



## NARRATIVE REPORT

CASE NUMBER <b>04-026493</b>	CASE NAME Cummings dog Shooting	DATE 12/09/04
ECO/INVESTIGATOR ECO DOBIES, JOHN, R.		
SUBJECT/ PURPOSE Interview of Mr. [REDACTED]		
<b>Synopsis:</b> <p>On 12//09/04, I contacted [REDACTED] by cell phone regarding an unrelated case I was working on. Mr. [REDACTED] during our conversation, informed me that he was contacted by Craig Cummings regarding the dog shooting incident. Mr. [REDACTED] wanted to speak to me in person and tell me about his concerns and also about his conversation with Cummings. I was previously informed by ECO Stansfield that he received a phone call from a source that Mr. [REDACTED] was told that Mr. Craig Cummings had directed someone to go to the dog shooting area on the [REDACTED] property. This same person was told by Mr. Cummings to pick up the shell casings, allegedly in order to get rid of the evidence. There were two spent casings left by Mr. Cummings. Mr. Cummings fired his 12 gauge shotgun at a deer on 11/30/04 and he also hit and killed a dog. I met with Mr. [REDACTED] and I secured written Deposition.</p> <p>12/09/04</p> <p>I arranged to meet Mr. [REDACTED] in Canandaigua at 1600hrs. Mr. [REDACTED] was at our pre arranged location.</p> <p>I informed Mr. [REDACTED] that I was investigating the dog shooting incident. Mr. [REDACTED] indicated that Craig Cummings had contacted him on 12/01/04. Craig told [REDACTED] that he had shot a dog. Craig indicated that he was firing at a deer and the dog must have been behind the deer. When Craig realized he shot a dog he attempted to see if he could find the dog. When Craig heard screaming coming from the neighbors location, he left the area and he ran through the woods to his vehicle. Craig mentioned to [REDACTED] he never saw the dog until it came up through the woods and the dog turned heading east and Craig lost sight of the dog.</p> <p>On 12/02/04 [REDACTED] had personally met with a friend ( C1, won't ID at this time) and this same person told [REDACTED] that he was contacted by an unknown source of Craig Cummings directing a Mr. [REDACTED], (Spelling?) to go up to the dog's shooting area and for this same person to retrieve the shell casings.</p> <p>The dog shooting area was inspected by deputy Shafer of the Ontario County Sheriff's Department on 11/30/04. Dep. Shafer had found a single spent 12 gauge shell casing. The casing was found in an open lane way on the West side of the property's woods. Deputy Shafer had placed this same shell on a small tree by breaking its branch and wedging this shell on.</p> <p>On 12/01/04, I met with Deputy Shafer in order to locate the shell casing and to measure the site of where the dog was shot on the [REDACTED] property. Deputy Shafer and I walked down the lane way where Mr. Cummings said he shot from. Deputy Shafer found the same small tree that he broke the branch on. The spent shell casing was missing on the broken branch. The area around the tree was checked for the shell casing, but the shell could not be found. We both agreed that the shell must have been picked up.</p> <p><b>Subject's Information:</b> [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>		

## OFFICE OF PUBLIC PROTECTION

## NARRATIVE REPORT

CASE NUMBER <b>04-026493</b>	CASE NAME Cummings dog Shooting	DATE 12/09/04
ECO/INVESTIGATOR ECO DOBIES, JOHN, R.		
SUBJECT/ PURPOSE Interview of Mr. [REDACTED]		
<b>Synopsis:</b>  On 12//10/04, I met with ECO Stansfield to conduct and interview Mr. [REDACTED] at his residence at [REDACTED] [REDACTED] We found Mr. [REDACTED] at his home. We started the interview at 3:30P.M.		
<p>Mr. [REDACTED] was asked if he was working on 11/30/04, the day of the dog shooting? He said he was at work and his work shift was 1-9 P.M. Mr. [REDACTED] works at the local Raymore and Flannigan Store. I asked for Mr. [REDACTED] hunting license and who provided me with the licence. We asked him if he knew a Craig Cummings? Craig has been a good friend of [REDACTED] along time.</p> <p>Mr. [REDACTED] was asked if Craig Cummings contacted him on 11/30/04 and he said "Yes." [REDACTED] said Craig sounded very upset. [REDACTED] said "Craig said, he had shot a dog while he was deer hunting and the dog must have been behind the deer when he shot twice at a doe on the [REDACTED] property."</p> <p>I asked Mr. [REDACTED] if he hunted on the [REDACTED] property and he said he did with only with Craig. I asked him what type of gun does Craig use to hunt deer with and [REDACTED] said, " Craig hunts with and 1187 Remington 12 gauge shotgun with a scope."</p> <p>I also asked Mr. [REDACTED] if he met with Craig after he got out of work on the 30<sup>th</sup> of November and he said, "No."</p> <p>I asked Mr. [REDACTED] if he had met with Craig sometime that night or the next morning and he said, "No."</p> <p>End of Interview at @ 3:52 P.M.</p>		
<b>Subject's Information:</b> Mr. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Big Game Doc # 3993-6000-3809		

[illegible]

DEC Decals # 1969-8000-0395

## OFFICE OF PUBLIC PROTECTION

## NARRATIVE REPORT

CASE NUMBER <b>04-026493</b>	CASE NAME Cummings Dog shooting	DATE 12/15/04
ECO/INVESTIGATOR Dobies/ Stansfield		
SUBJECT/ PURPOSE E-mails received from Mrs. [REDACTED] on 12/14/04 6:32 P.M.		
<p>E-Mail from: [REDACTED] &lt;[REDACTED]&gt;</p> <p>Subject: [REDACTED] DOG ANGEL</p> <p>To: Environmental Conservation Officer John R. Dobies,</p> <p>Hello. my name is [REDACTED]. I am the breeder of the American Mastiff pup named "Angel" owned by [REDACTED]. He contacted me saying that you wanted confirmation as to the value of the dog at the time she was killed. [REDACTED] purchased her from me as a 10 week old puppy for the amount of 1,000.00. However, as a 1 year old (born 11/26/03) unspayed female capable of breeding she would now be worth considerably more. I would place her present value at 1500.00. You should also be aware that for their protection we do not ship our dogs. Prospective owners must make arrangements to pick their puppies up in person. We are located in Ohio and if I remember correctly in order for [REDACTED] to travel to pick up a pup from us he must first fly, book a hotel room and then rent a car and drive 3 hours to reach us. This involves a considerable amount of extra expense and needs to be included in the replacement cost for the beautiful dog that he lost. I hope this is sufficient enough for you. You can contact me if there is any question.</p> <p>Sincerely, [REDACTED]</p>		



ONTARIO COUNTY SHERIFF'S OFFICE  
CRIME SCENE UNIT  
EVIDENCE TECHNICIAN REPORT



INCIDENT CR #

430607

TECHNICIAN:

P. Butler #447

INVESTIGATING OFFICER:

ECON. Off J. Stansfield

DATE:

12/05/04

LOCATION:

[REDACTED]

TIME OF CALL:

1308

TOWN:

[REDACTED]

, ONTARIO COUNTY NEW YORK

TIME OF ARRIVAL 1308

INCIDENT: Econ Invest.

PROPERTY OBTAINED:  
Choose One

CALLED BY:

851

DNA SECURED:

YES ☐

NO ☒

PHOTOS TAKEN: YES ☒ NO ☐

DIGITAL:

YES ☒ NO ☐

NUMBER TAKEN:

37

DAY: yes

NIGHT:

VIDEO:

YES ☐ NO ☒

SPECIAL NOTES: Photos 1500 /1538 hrs.

FINGER PRINTS: YES ☒ \*NO ☒

SCENE PROCESSED: YES ☒ NO ☐

\*IF NO GIVE REASON: No Latent Processing

LATENTS FILED: YES ☐ NO ☐

LATENTS SENT TO SAFIS: YES ☐ NO ☐

FIELD SKETCH: YES ☒ NO ☐

**NARRATIVE:**

On the above date and time R/O Tech along with ECON Officer J. A. Stansfield arrived at [REDACTED] along with the landowner, ( property directly north of the above address), [REDACTED] who was accompanied by his son [REDACTED], ( witness to the incident occurring on 11/30/04 at the above address Re: Cr# 430607 & ECON CR# 04-026493 ). R/O Tech assisted ECON, ( along with above parties ), in a search of the area north of [REDACTED], (an open field which is boarded by hardwoods along the east side with a small section of hardwoods between the north bounadry line of [REDACTED] and the [REDACTED] property ). The items of evidence located included visble bloodsatin and a plastic wadding from a shotgun shell round. The above items were photographed as well as where the witness and shooter were position in the field at the time of the incident, ( established from the witness's account and supported by the above mention physical evidence location ). A diagram of the above mention locations was made with the use of a Total Work Station. All the above evidence was collected by ECON Off. J. A. Stansfield.

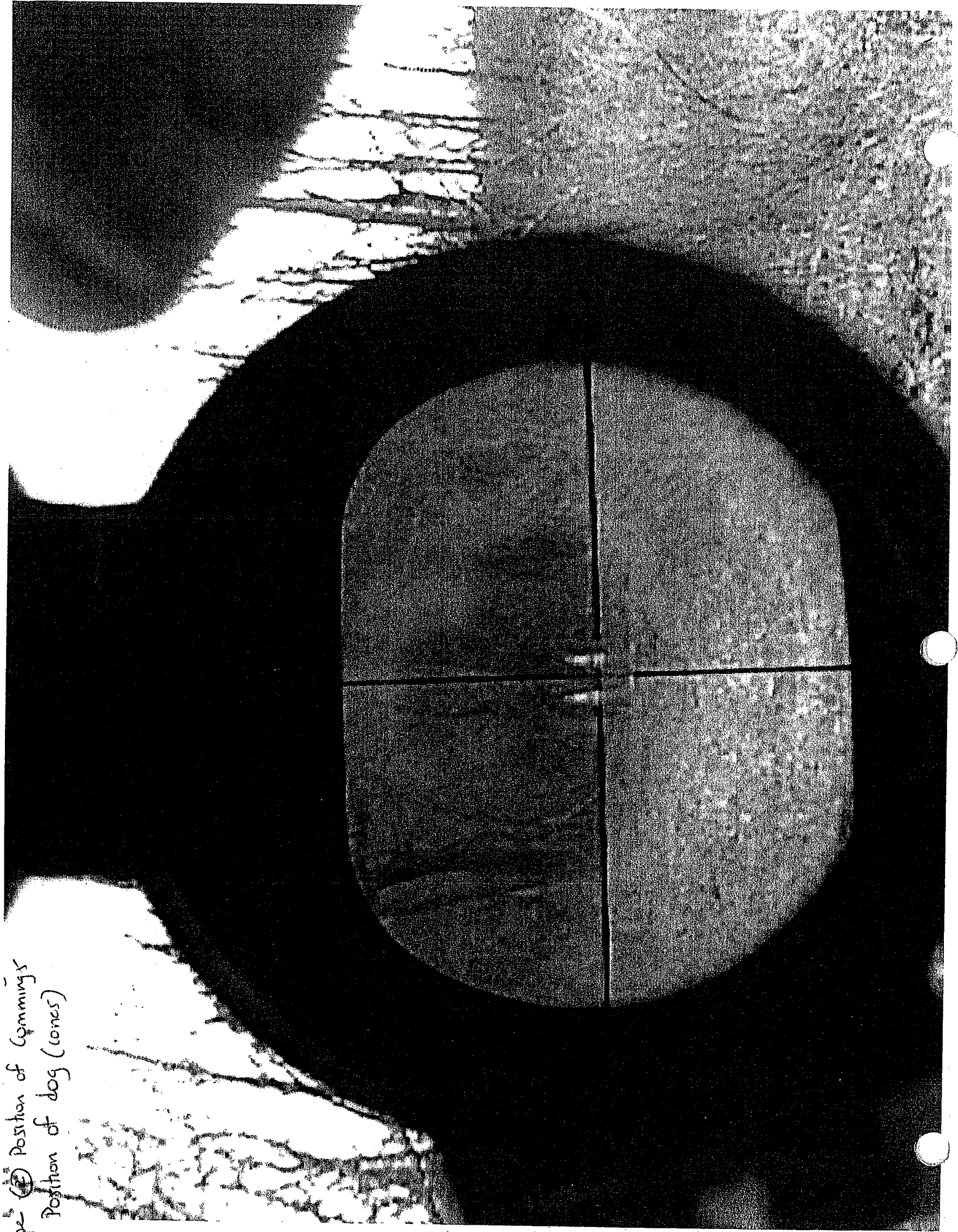
OFFICER: Deputy Peter Butler 447

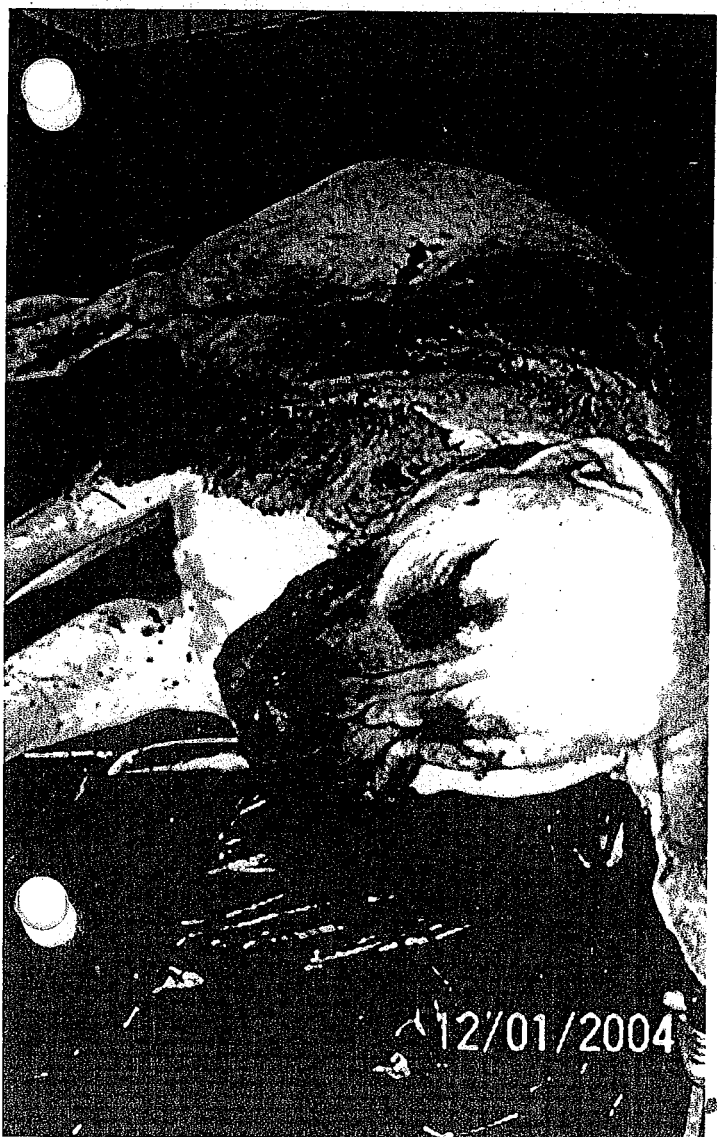
S-1

PICS	LOCATION #/30	DATE	CR#	TECH	INCIDENT
1.	Man's skull #1	12-1-04		JRD	(Dog shot) Shell
2.	Red flag (S) looking south				Shell location (Focus?) Facing south
3.	DN Ramps (S)				DN Ramps area
4.	TO END Where dog 1st seen by CC.				to Dog 1st seen.
5.	Dogs 1st seen (S)				House seen from 1st dog's view
6.	Blood WF ↓				1st Last Blood North location
7.	Blood WF ↓				" "
8.	Path to house (S)				Path of Blood to property/House
9.	Flag 2nd Blood (S)				path 2nd Blood Found to property
10.	Dog's path to property (S)				Dog went through this way
11.	Flag of Dog's Blood #2 (S)				2nd Blood Found Flagged.
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					

JRD #2 loc

Scope ② Position of Gammings  
③ Position of dog (ones)





- Diagram by Coast Guard on Day Bay side. - done 12/14/82  
 - on 11/30/04 @ 3:20 pm. Doghouse property off

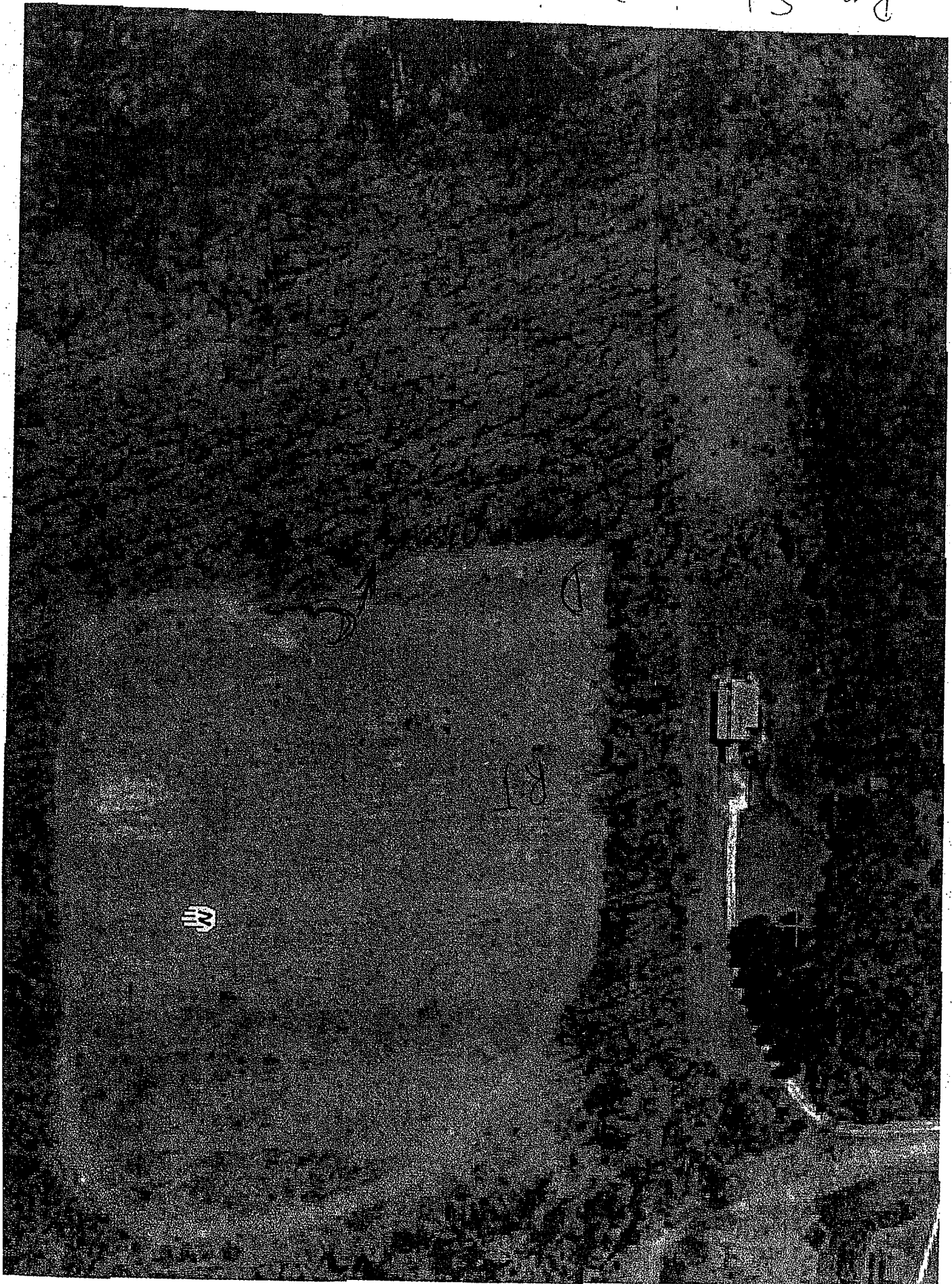
AK

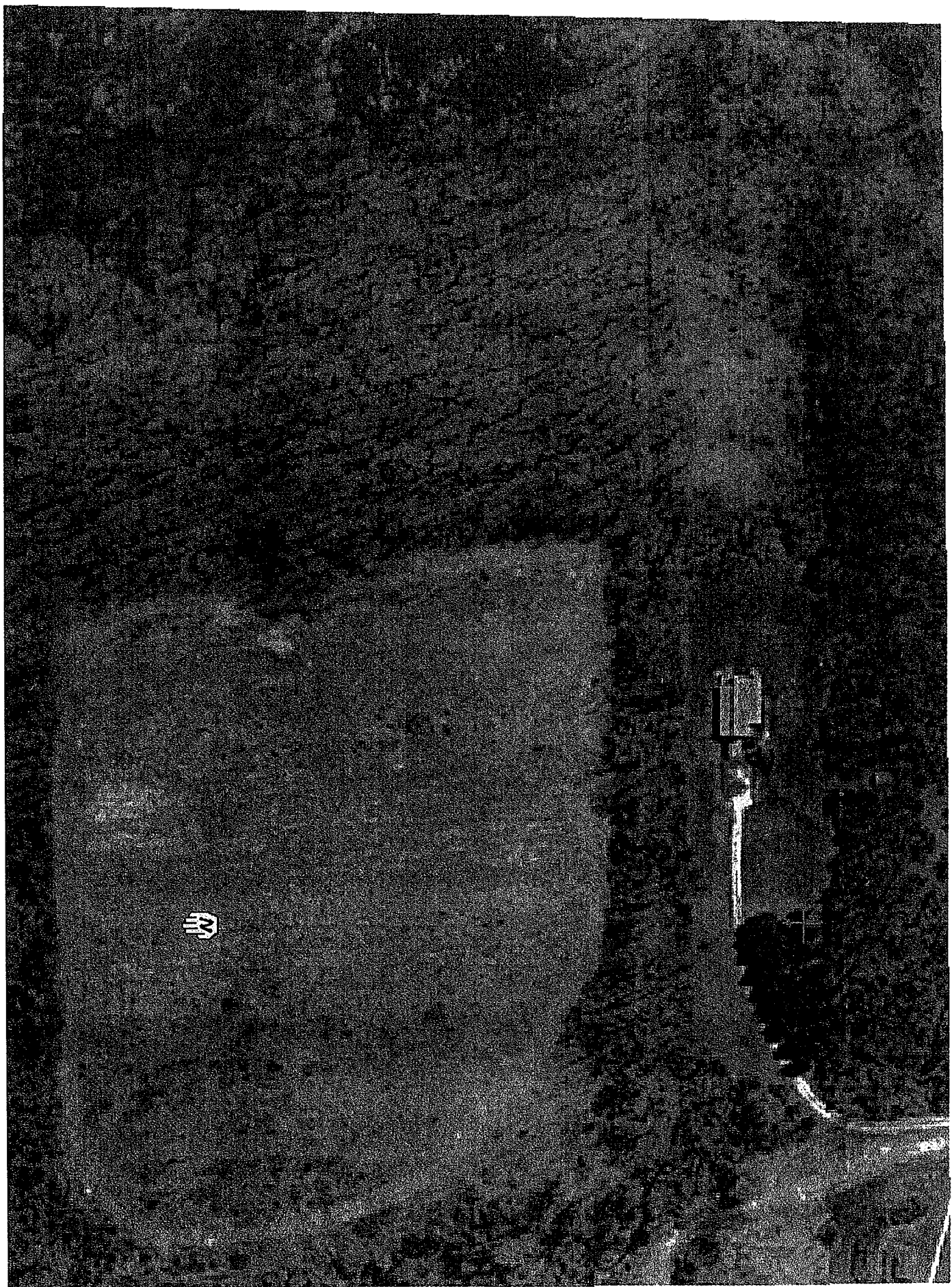
used for  
 cost recovery



← N

Ryan Schmeck - Diagram  
(used for testimony)





N

Ontario County Sheriff		Econ Violation		Case Number
Incident Date: 11/30/2004		Location: [REDACTED]		430607
Drawn By	Date Drawn	Scale		
Deputy Pete Butler	12/6/2004	1" = 36.86'		



OPEN GRASSY FIELD

FARMERS LANEWAY

HARDWOODS



HARDWOODS

2

1

3

4

5

6

7

8

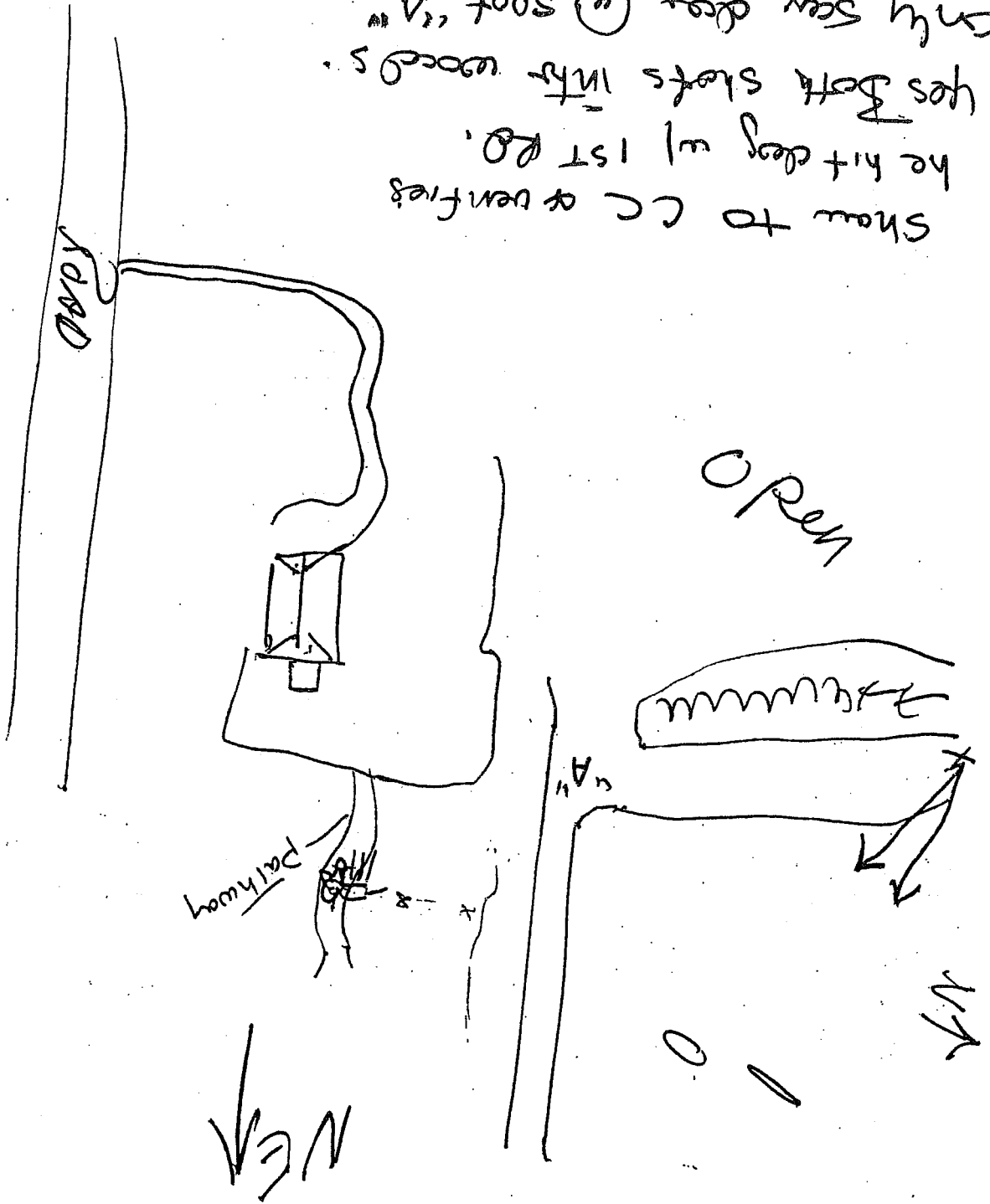
9

10

11

name of [redacted] - He couldn't remember who [redacted] had with him only

show to CC & verifies  
he hit dog w/ 1st R.  
yes both shots into woods.  
only saw dog @ spot "A".



CR# 430602  
@ 1553  
pm

# Ontario County Sheriff's Office

## Measurement Data Log

File Number	430607 & 04-26493	Scene Measured By	Deputy Peter Butler
Incident Date	11/30/2004	ID Number (measured by)	447
Incident Time	xxx	Scene Assisted By	ECON Off. J.A. Stansfield
Incident Location		ID Number (assisted by)	851
Date Measured On	12/5/2004	Reference Point Description	Small Tree in Open Field
Weather Description	Clear	Secondary Reference Point	Double Tree in Open Field
Road Description	Dirt - Dry	Visibility Description	Unlimited

No.	+Y	-Y	+X	-X	Z	Orientation	Description
1	0		0		0		NIKON
2	38.29			9.68	-0.496	Small Tree	RP1
3		21.9		37.014	0.648	Double Tree	RR2
4		43.642		12.628	-1.48	Witness Position	W'
5	94.438		109.806		-11.984	Shooter Position	SHOOTER
6		19.14	126.336		-12.874	Plastic Wadding	WAD
7		72.232	133.79		-13.324	Marker #4 Bloodstain	BLOOD-4
8		72.936	133.698		-13.462	Marker #5 Bloodstain	BLOOD-5
9		74.054	133.942		-13.526	Marker # 6 Bloodstain	BLOOD-6
10		84.474	137.222		-13.73	Marker # 7 Bloodstain	BLOOD-7
11		87.736	140.286		-13.746	Marker #8 Bloodstain	BLOOD-8



COPY

New York State Department of Environmental Conservation

# PROPERTY CUSTODY REPORT REGION 8 DIVISION OF LAW ENFORCEMENT



## DEFENDANT INFORMATION

LAST NAME CUMMINGS	FIRST NAME CRAIG	MI. S	DATE OF BIRTH [REDACTED]	TELEPHONE NUMBER [REDACTED]
STREET ADDRESS [REDACTED]				
TOWN - CITY - VILLAGE [REDACTED]				
PURPOSE OF SEIZURE X EVIDENCE <input type="checkbox"/> INVESTIGATION				STATE [REDACTED]
SEIZED BY LAW ENFORCEMENT DATE: 12/16/04 TIME: 0930		TOWN CITY / CANANDAIGUA		COUNTY ONTARIO

## CODEFENDANT INFORMATION

LAST NAME OF CODEFENDANT	FIRST NAME	MI	TICKET NUMBER	LAW NUMBER

## ARREST INFORMATION

TICKET NUMBER	LAW NUMBER	SECTION	COURT CODE
		ENCON LAW PENDING	TOWN OF CANANDAIGUA
		PENAL LAW PENDING	TOWN OF CANANDAIGUA

OFFICER

SHIELD NUMBER

FILE 15

ECO'S DOBIES, JOHN, R. STANSFIELD, JOHN, A.

☐ YES

DATE:

## PROPERTY INFORMATION

QUANTITY	DESCRIPTION (Include Make, Model, Serial Number, Size and Color)	GREEN TAG NUMBER	STORAGE LOCATION (Property Clerk Only)	DISPOSITION	
1	REMINGTON 11.87 WITH GANDER MOUNTAIN SCOPE WITH SLUG. BLACK GUN CASE			TO: AVON L.E. EVIDENCE	DATE: 12/23/04
6	PACKETS OF EVIDENCE NUMBERS 3-8 3. SLUG WAD 4. BLOOD 5. BLOOD W/ MEAT 6. BLOOD 7. BLOOD 8. BLOOD ALL COLLECTED BY ECO STANSFIELD			BY: TO: AVON L.E. EVIDENCE	DATE: 12/23/04
				BY: TO: AVON L.E. EVIDENCE	DATE:

## EVIDENCE OFFICER ONLY

## RETURN OF EVIDENCE

RECEIVED IN BY	RECEIVED DATE:  TIME:	RETURNED TO	RETURNED DATE:  TIME:
		RETURNED BY	

QUANTITY	DESCRIPTION (Include Make, Model, Serial Number, Size and Color)	GREEN TAG NUMBER	STORAGE LOCATION (Property Clerk Only)	DISPOSITION	
				TO: _____	DATE: _____
				BY: _____	
				TO: _____	DATE: _____
				BY: _____	
				TO: _____	DATE: _____
				BY: _____	
				TO: _____	DATE: _____
				BY: _____	
				TO: _____	DATE: _____
				BY: _____	

[illegible]

## This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

STATE OF NEW YORK COUNTY COURT  
COUNTY OF ONTARIO  
THE PEOPLE OF THE STATE OF NEW YORK,

VS.

CRAIG CUMMINGS,  
Defendant.

STATEMENT OF READINESS,  
CPL 710.30 NOTICE  
and  
DEMAND FOR NOTICE  
OF ALIBI

PLEASE TAKE NOTICE that pursuant to CPL 710.30, the People intend to offer in evidence upon the trial of the defendant the confession and/or admission as noted herein.

(X) Oral Statements: As set forth below:

**Statement to Deputy Greg Shaffer on 11/30/04 after 3:59 p.m. on [REDACTED] on the [REDACTED]:** In sum and substance, defendant stated that he had shot at two running deer that were down in the woods to the east of his location, and that after the second shot, he heard a 'yip' and saw a large tan dog in the area where the deer were located. He further stated that the dog was bleeding out of it's right side and that it ran towards a location he knew to be the [REDACTED] residence. Defendant further stated he started to walk towards the dog, and then ran back to his truck when he heard the people at the residence yelling. Defendant further pointed out the location where he was standing (east edge of field), the direction he had fired, and the location of the dog.

**Statement to Officer John Dobies and Officer John Stansfield on 12/2/04 at approximately 3:00 p.m. at the City of Canandaigua boat launch, City of Canandaigua:** In sum and substance, defendant stated that he left [REDACTED] when they arrived at field, and that defendant walked northward down the laneway on the east edge of field while [REDACTED] and 13 year old [REDACTED] walked out into the open field. Defendant stated that he spotted two deer running in the woods to the southeast of his own location, and that he fired at the first doe and heard a 'yip'. He further stated a few seconds past, and he fired again into the woods at the doe. He stated that a few seconds after that, he saw a brown animal coming through the woods, which he initially thought was a deer, and then realized was a dog. He stated that the dog came out of the woods onto the laneway, and then went back into the woods. He further stated that he began to walk towards dog, then ran to his truck when he heard people yelling from the area of the residence. He further stated that he called 911 dispatch immediately upon arriving at his vehicle.

**Although not subject to CPL § 710.30, please note that the People intend to use the 911 call from the defendant made at approximately 3:59 p.m. on the same date, and will provide a copy of the same upon receipt of a blank audiocassette.**

PLEASE TAKE FURTHER NOTICE, that the People hereby demand pursuant to CPL Sec. 250.20(1) that, if the defendant intends to offer a trial defense of alibi, and to call witnesses in support of such defense, he/she must, within eight (8) days of the service of this demand, serve upon the People, and file a copy thereof with the Court, a "notice of alibi", reciting (a) the place or places where the defendant claims to have been at the time in question, and (b) the names and the residential addresses, the place of employment and the addresses thereof of every such alibi witness upon whom he intends to rely.

**PLEASE BE ADVISED THE PEOPLE ARE IN ALL RESPECTS READY FOR TRIAL.**

DATED: February 8, 2005  
Canandaigua, New York

Ontario County District Attorney's Office  
Ontario County Courthouse  
Canandaigua, New York 14424

ON NOVEMBER 20, 2004 I HAD A STAFFING  
IN PARTY AT MY HOUSE. THE FOLLOWING PEOPLE WERE  
THERE. CRAIG CUMMINGS, [REDACTED], [REDACTED]

BRET [REDACTED]

[REDACTED] FRIEND "[REDACTED]"

[REDACTED] AND OTHER FAMILY MEMBERS  
OF MINE. WHILE WE WERE COOKING ON THE GRILL  
OUTSIDE, WE WERE TALKING ABOUT HUNTING. ~~FOR~~  
I TOLD [REDACTED] THAT I ~~WAS~~ HAD BEEN INVITED  
TO A HUNTING CAMP IN HOWARD. [REDACTED] ASK WHO  
WAS ALL GOING DOWN. CRAIG CUMMINGS STATED  
THAT THE CAMP BELONGED TO A FRIEND OF  
HIS ([REDACTED]) AND THAT [REDACTED]

[REDACTED] AND [REDACTED] WERE  
GOING TO BE THERE. [REDACTED] ASKED IF WE  
WANTED HIM TO BRING HIS GIRLFRIEND, WHO  
WAS A STRIPPER, DOWN TO CAMP TO STRIP.  
CRAIG SAID SURE, BRING HER DOWN. [REDACTED]  
~~ON MONDAY~~ CALLED HER ON HIS CELL PHONE  
AND ASKED HER IF SHE WANTED TO COME  
DOWN. ON MONDAY - NOVEMBER 25, 2004

CRAIG AND I MET [REDACTED] GIRLFRIEND  
AND BRET'S FRIEND [REDACTED] AT THE BAR IN  
COHOCTON. WE HAD A FEW BEERS THERE AND  
ORDERED A PIZZA TO GO. ~~THE~~ ALL OF US  
THEN LEFT THE BAR AND FOLLOWED CRAIG  
TO THE HUNTING CAMP. I DROVE DOWN IN  
MY TRUCK FOLLOWING CRAIG IN HIS TRUCK.  
BRET [REDACTED] GIRLFRIEND AND [REDACTED] DROVE IN

Truck. When we got to camp, Craig, [REDACTED] and [REDACTED] Girlfriend all went into camp inside the house. I waited outside for approximately 5 minutes or so, as I thought Mr. [REDACTED] might be mad that we brought a stripper down to camp. I was later told by Craig that he had already called [REDACTED] and told him we were bringing a stripper down to camp, so they already knew it. I then went inside the camp. [REDACTED] and his girlfriend went into the bathroom. She changed into a different outfit. [REDACTED] then came out and introduced her. She then came out and started stripping. [REDACTED] then asked everyone who wanted to do a "Busch Beer". I'm not sure who went first - I believe it was "[REDACTED]". He laid down on his back and [REDACTED] Girlfriend knelt down by his face. [REDACTED] started pouring beer down her vagina and into his mouth. Everyone there took a turn doing a Busch Beer except [REDACTED] and myself. After I refused to do a Busch Beer Craig became very upset that I wouldn't do it. I believe he wanted me to do the Busch Beer because he didn't want me to go and tell my wife that he did one and she would tell his wife - [REDACTED] as Craig was

YELLING AT ME, [REDACTED] CAME OVER AND STARTED CALLING ME A CHICKEN AND A BIG BASTARD AND MAKING A BIG SCENE ABOUT IT. I THEN SAID THAT IF HE WAS SUCH A MAN, I BET YOU DON'T DARE FUCK YOUR GIRLFRIEND IN FRONT OF EVERYONE. [REDACTED] STATED HE DID HAVE THE BALLS TO DO IT AND I STATED I BET YOU ONE HUNDRED DOLLARS YOU DON'T. I DID THIS ONLY TO GET HIM OFF OF ME ABOUT REFUSING TO DO THE BUSCH BEER. [REDACTED] THEN WENT OVER TO THE KITCHEN COUNTER AND DROPPED HIS PANTS. HE DID NOT HAVE AN ERECTION SO HE TOLD HIS GIRLFRIEND TO GIVE HIM A BLOW TO BS SHE STARTED TO BLOW HIM, BUT HE COULD NOT GET AN ERECTION SO THEY STOPPED. HE STATED HE COULDN'T DO IT BECAUSE TOO MANY PEOPLE WERE WATCHING. SHE THEN STARTED STRIPPING AGAIN, BUT BECAME UPSET BECAUSE NO ONE WAS TIPPING HER AND [REDACTED] TOLD ME SHE STATED SHE COULD HAVE MADE A LOT MORE MONEY AT THE STRIP CLUB. I THEN OBSERVED CRAIG AND [REDACTED]'S GIRLFRIEND GO UPSTAIRS. AT THAT TIME I ASKED [REDACTED] WHERE THE HUNDRED DOLLARS WENT & WE MADE ON THE BET. [REDACTED] STATED SHE HAD IT. I THEN STARTED TO GO UPSTAIRS TO ASKED HER IF SHE HAD MY MONEY. CRAIG [REDACTED] ME DURING THE STRIP AND TOLD

ME to get out of there. I then  
went back down stairs. It was  
dark up stairs and I could not see  
what was happening. It did appear  
Craig and [REDACTED] girlfriend were kissing.  
They both came down a short time  
later. All of them had a few more drinks  
before they left. I asked [REDACTED] for  
my ~~one~~ hundred dollars bet and he gave  
it back to me. [REDACTED], his girlfriend and  
[REDACTED] then left. At no time did I ever  
touch Bret's girlfriend nor did she  
ever touch me. I know this girl's  
name as "[REDACTED]"

I give this statement  
freely and it is the truth.

[REDACTED]  
3/8/05

L.T.R. [REDACTED]

03/08/05

LS/DHS

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION

SEC. 100.20 CPL

Page 183

STATE OF NEW YORK

County of ONTARIOCity of CANANDAIGUA

On <u>03-30-05</u> at <u>12:05</u> <input type="checkbox"/> AM <input type="checkbox"/> PM	I, <u>[REDACTED]</u>	FULL NAME <u>[REDACTED]</u>	DATE OF BIRTH <u>[REDACTED]</u>
NO. & STREET <u>[REDACTED]</u>	<u>[REDACTED]</u>	STATE <u>[REDACTED]</u>	

state the following: I am here today talking on my own free will. I have been told that I am not in trouble and no charges will be pressed against me. I want to clear the air on all of the rumors about my involvement in a hunting trip in Steuben County in November of 2004. I was approached by a guy I know as [REDACTED]. I met him at my job at Rick's Tally Ho on E. Henrietta Rd. I think it was mid October of 2004. He came into the club with his friend [REDACTED]. I thought he was a nice guy. [REDACTED] gave me his business card and said to call him some time. I did call him on occasion. [REDACTED] then called me a couple of days to a week before they were all going hunting in Steuben County. [REDACTED] asked me if I wanted to come down with him and strip at a party with him. I said I would go. He said that each guy was going to pitch in and I would get \$200.00 to dance. I agreed. [REDACTED] then arranged to pick me up at the Mobil Station in Cirona. [REDACTED] was with his friend [REDACTED] when [REDACTED] picked me up. We hung at a bar for about 1-1 1/2 hours waiting for [REDACTED] friends [REDACTED] and Craig. I don't know last names. We all then met [REDACTED] and Craig at [REDACTED].

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18

4/84

Sgt. [Signature]  
 (WITNESS)  
 (NAME OF PERSON TAKING DEPOSITION)

EXHIBIT 12

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION

SEC. 100.20 CPL

Page 2 of 3

STATE OF NEW YORK

County of \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

On	DATE	at	TIME STARTED <input type="checkbox"/> AM <input type="checkbox"/> PM	I,	FULL NAME	DATE OF BIRTH
NO. & STREET					C/T/V	STATE

state the following: A New bar in Steuben County. We went to the bar and I think I recall 5-8150. Other guys besides [REDACTED], [REDACTED], CRAIG, [REDACTED] and me. [REDACTED] asked me to change and start to dance. I did change and came out in my stripper outfit. They were all asking me if I know what a Busch Beer is. [REDACTED] offered to show me. I allowed [REDACTED] to pour beer down my belly as I sat on the guys chest with my vagina over their faces. [REDACTED] poured beer over my vagina into their mouths. I did this to 3 or 4 guys, I don't recall exactly which guys. I know I did do it for the guy with the knee injury. I did go into the loft area with Craig and was making out with him. I know Craig tried to touch my breasts but I pushed him off. I had received \$100.00 from the white haired guy in the picture as a bet that I wouldn't screw [REDACTED] in front of everyone. [REDACTED] couldn't get hard, so I started to blow him for a second but stopped. Chuck was screaming things like I was a nasty whore. I tried to block him out because he made me cry. I then went upstairs with my \$100.00 and that's when Craig came up. [REDACTED] came up too.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

(SIGNATURE OF DEPONENT)

CPD NO. 18

4/84

(WITNESS)	TIME ENDED <input type="checkbox"/> AM <input type="checkbox"/> PM
(NAME OF PERSON TAKING DEPOSITION)	(DEPOSITION)

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION

SEC. 100.20 CPL

STATE OF NEW YORK

County of \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

Page 3 of 3

On	DATE	at	TIME STARTED <input type="checkbox"/> AM <input type="checkbox"/> PM	I,	FULL NAME	DATE OF BIRTH
NO. & STREET					C/T/V	STATE

state the following:

for a couple of minutes later on I discovered someone stole my money from my purse. We then left the camp. Since this time, I was told by [REDACTED] of Ricks Tally Ho that a cop came into Ricks in late January and early February looking for me on a warrant. I was scared because I have a 6-year old at home. Ricks ended up firing me just after this. [REDACTED] has called me a couple of times over the last month asking me to lie and tell the police ~~that~~ I only did one bush beer. and to tell the police we dated before. That is not true. That is all he told me to tell the police. If they find me. My stage name is [REDACTED]

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18

4/84

(SIGNATURE OF DEPONENT)

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

1309

(DEPOSITION)

☐ AM  
☐ PM

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION  
SEC. 100.20 CPLContinued  
Page 1 of 3

STATE OF NEW YORK

County of ONTARIO  
City of CANANDAIGUA

On	DATE <u>03-17-05</u>	at	TIME STARTED <u>1600</u>	<input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM	I,	FULL NAME [REDACTED]	DATE OF BIRTH [REDACTED]
NO. & STREET [REDACTED]						CITY [REDACTED]	STATE [REDACTED]

state the following: About two or three weeks ago, I went to the ALE HOUSE BAR. IT WAS A Thursday evening AT ABOUT 10:00 OR 11:00 P.M. AS I WENT WITH MY FRIEND [REDACTED] AFTER BOWLING. [REDACTED] bowls on a Thursday League and I meet Him for A couple of BEERS AFTERWARDS. WHILE WE WERE AT THE BAR, A FRIEND OF OURS, [REDACTED] walked in. [REDACTED] IS good FRIENDS WITH CRAIG CUMMINGS. ~~AS~~ SO IS [REDACTED] BROTHERS [REDACTED] AND [REDACTED]. WE ALL STARTED TO TALK ABOUT CRAIG CUMMINGS BEING SUSPENDED FOR SHOOTING A DOG. [REDACTED] WAS DEFENDING CRAIG, BUT I SAW RIGHT THROUGH IT AND SAID THAT CRAIG KNEW BETTER THAN TO ACCIDENTLY SHOOT AT A DOG AS CRAIG IS A HUNTING GUIDE. ALL OF A SUDDEN, [REDACTED] pulled out his cell phone and said that he had pictures of CRAIG CUMMINGS Hunting, trip with A prostitute. HE THEN SHOWED ME TWO SEPERATE PICTURES. One picture was OF A girl showing her breasts to the camera. [REDACTED] took the pictures. The girl was A white girl with large breasts. I then saw a second picture with a girl propped up on something, She was Naked laying on her back.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18

4/84

SIGNATURE OF DE [REDACTED]	EXHIBIT 8
(WITNESS) [REDACTED]	TIME ENDED <u>5:00</u>
(NAME OF PERSON TAKING DEPOSITION)	<input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM (DEPOSITION)

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION

SEC. 100.20 CPL

CONTINUED

Page 2 of 3

STATE OF NEW YORK

County of

ONTARIO

City

of

CANANDAIGUA

On	DATE 3-17-05	at	TIME STARTED —	I, <input type="checkbox"/> AM <input type="checkbox"/> PM	FULL NAME [REDACTED]	DATE OF BIRTH [REDACTED]
NO. & STREET [REDACTED]					CITY [REDACTED]	STATE [REDACTED]

state the following: IT was obvious she was laying down to have sex as there was a guy holding her legs up in the air and I think I recall a second guy in the picture sucking on one of the girl's breasts. [REDACTED] said that [REDACTED] was the guy partially visible behind the guy holding the girls legs up in the air. He ([REDACTED]) said that [REDACTED] was hounding the guy by repeatedly saying, "ARE YOU GONNA FUCK HER? ARE YOU GONNA FUCK HER?" [REDACTED] said that the guy was disturbed with [REDACTED] and said something to the effect of "WHAT THE FUCK IS WRONG WITH YOU." And he commented that [REDACTED] was acting like a little kid. I haven't heard much about this until a couple of days ago, about a week, that [REDACTED] told me that he had been talking about the CUMMINGS CRIMEAL WITH FRIENDS AND THEY TOLD HIM [REDACTED] WAS TOLD TO GET RID OF THE PICTURES. THIS IS ALL I RECALL. I ONLY SAW TWO PICTURES. I DO KNOW THAT [REDACTED] TOLD ME THAT [REDACTED], [REDACTED], HIMSELF, CRAIG AND OTHERS WERE PRESENT DURING THE SEX ACTS. ONE OTHER THING I CAN RECALL ABOUT THE [REDACTED]

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18

4/84

(SIGNATURE OF DEPONENT)	
(WITNESS)	TIME ENDED 5:00
(NAME OF PERSON TAKING DEPOSITION)	(DEPOSITION)

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION

SEC. 100.20 CPL

STATE OF NEW YORK

County of

Ontario

City

of

Canandaigua

Page 3 of 3

On	DATE	at	TIME STARTED	I, FULL NAME	DATE OF BIRTH
			1600 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		
NO. & STREET			CITY		STATE

state the following:

Hunting camp is that. A girl that I used to date, [REDACTED] told me that she was fucking [REDACTED] AND THAT IN NOVEMBER OF LAST YEAR, [REDACTED] ASKED [REDACTED] TO GO WITH HIM TO THE HUNTING CAMP IN STEUBEN COUNTY. I KNOW [REDACTED] WAS SEEING [REDACTED] AS I USED TO SEE [REDACTED] TRUCK IN [REDACTED] DRIVEWAY ON PARK ST. [REDACTED] USED TO WORK FOR MY EXWIFE AT [REDACTED] AND WOULD BRAG ABOUT FUCKING [REDACTED] MY EXWIFE HAD TO FINALLY LET [REDACTED] GO AFTER SHE CAUSED PROBLEMS WITH THE OTHER HELP. [REDACTED] BLAMED ME FOR HER GETTING FIRED, BUT I HAD NOTHING TO DO WITH IT. [REDACTED] WAS ALSO KNOWN TO HAVE TAKEN A GIRL BY THE NAME OF [REDACTED], A WAITRESS AT [REDACTED] TO A MOTEL IN VICTOR TO HAVE SEX WITH HIM. MY EXWIFE ASKED WHY SHE WENT AND HAD SEX WITH [REDACTED] AND SHE SAID SHE COULDN'T RESIST A MAN IN UNIFORM.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18

4/84

(SIGNATURE OF DEPONENT)	
(WITNESS)	TIME ENDED
(NAME OF PERSON TAKING DEPOSITION)	5:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
(DEPOSITION)	

STATE OF NEW YORK

COUNTY OF Ontario ss:

Page: 1 of 1

Town of Canandaigua

I [REDACTED]

DOB [REDACTED]

Number and Street  
[REDACTED]

City/Town/Village  
[REDACTED]

State  
[REDACTED]

state the following

allegations of fact which are made upon: direct knowledge and / or upon information and belief.

AT APPROXIMATELY 3:30 PM ON 11/30/04 I RETURNED HOME FROM SCHOOL WITH MY DAUGHTER & DOG. UPON ARRIVAL MY DAUGHTER & I WENT IN THE HOUSE & THE DOG REMAINED OUTSIDE. SHORTLY THEREAFTER AROUND 3:30 I HEARD 1 SHOT NORTH OF MY PROPERTY THEN A SECOND SHOT 20 SECONDS LATER. I GOT UP TO GO OUT & GET MY DOG & SEE WHERE THE SHOT CAME FROM SINCE IT SOUNDED SO CLOSE TO MY HOUSE. MY DAUGHTER SYDNEY SAW THE DOG THINKING IT WAS A DEAD DEER IN OUR YARD (EAST). I RAN TO THE DOG'S LOCATION. SHE WAS DEAD & I BEGAN TO YELL TO THE HUNTERS WHOSE VESTS I SAW THROUGH THE TREES NORTH WEST OF MY HOUSE APPROX. 100 FT AWAY. I SAW 2 VESTS WALKING AWAY FROM THE SCENE. I CALLED 911 TO REPORT THE INCIDENT.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\*Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_ 2004

(SIGNATURE)

\*Note: This form need only be sworn to if required by Court

[REDACTED]  
(SUBSCRIPTION OF DEPONENT)

12/

S-5

STATE OF NEW YORK

COUNTY OF

Ontario

SS:

Page: 1 of 1

City of Canandaigua

I

[REDACTED]

DOB

[REDACTED]

Number and Street

[REDACTED]

City/Town/Village

[REDACTED]

State

[REDACTED]

state the following

allegations of fact which are made upon: direct knowledge and / or upon information and belief:

On Nov. 30, 2004 at approximately 3:15 PM myself, [REDACTED] and Craig Cummings were deer hunting on the property located at my grandfathers residence [REDACTED] - Ontario Corner. We all walked up the driveway heading west. We got to the field - South corner - and Craig went North on the laneway. Myself and [REDACTED] proceeded west into the open field. At approximately 3:20 PM I heard the first shot. I turned and looked at Craig. Craig was looking northeast into the woods. Directly east of my location I could hear something coming through the woods. I got [REDACTED] attention to where the noise was, and told [REDACTED] something may be coming this way. I saw white legs first, then the dog stepped out on the driveway and stopped. The dog looked at me and [REDACTED] I heard a second shot, the dog yelped and bit at his right side. The dog turned and headed southeast toward its yard. I realized that the dog was shot. I told [REDACTED] "lets go." We walked to the back of our tree stand on the northeast side of the field. We heard the beagle run two deer by us. The beagle started barking after I heard the door to the house open.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\*Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_ 2004

(SIGNATURE)

\* Note: This form need only be sworn to if required by Court

(SUBSCRIPTION OF DEPONENT)

[REDACTED] 12-4-04

#260

STATE OF NEW YORK : COUNTY OF Ontario

Town COURT Town OF Canandaigua

The People of the State of New York

against

Craig Cummings

Defendant

Supporting Deposition  
General

\_\_\_\_\_, residing  
at \_\_\_\_\_

by this Supporting Deposition, makes the following allegations of fact in connection with an accusatory instrument filed, or to be filed, with this Court against the above named defendant(s):

On November 30<sup>th</sup>, at approximately 4:17 pm, I arrived at \_\_\_\_\_ I was met by \_\_\_\_\_ who took me behind his home to show me his dog that was shot and killed by an unknown hunter.

The dog, a female Mastiff, was lying in the backyard approximately 85 feet from the house. Mr. \_\_\_\_\_ told me that he had dragged the dog to that location from the pathway in the woods. Approximately 80 feet farther East from where the dog was lying was a large pool of blood where the dog was found by Mr. \_\_\_\_\_

Mr. \_\_\_\_\_ had stated to me that the dog was found there dead. When I asked how the dog was lying he had stated that the dogs head was pointing south and that the dogs legs were pointing west toward the house lying on its side.

I was assisted in loading the dog into my truck by a friend of Mr. \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_

The dog was not licensed.

I then went to meet Deputy Schaffer on Laura Lane where I learned that the shooter was Craig Cummings.

The foregoing factual allegations are based upon personal knowledge of the deponent (and upon information and belief, the sources of deponent's information and belief being,

STATE OF NEW YORK

5-8

COUNTY OF Ontario ss:

Page: 1 of 1

Town of Canandaigua

I

DOB

Number and Street

City/Town/Village

State

state the following

allegations of fact which are made upon: direct knowledge and / or upon information and belief:

on 12/2/04 I spoke to Craig Cummings on the phone and Craig sounded like he was depressed. I asked him what's up and he said "I've got a lot of problems." Craig said, "he thinks he shot a dog while deer hunting." He said that he drew on a deer, fired a shot, then he fired a second shot at this same deer. Then Craig said he saw a dog running in the woods and went to the house. The dog past him on his right side. Then Craig said, he realized all of the screaming he ran to his truck. Craig said that he might of shot w/in 500' of a  
on 12/2/04 I met with a friend who indicated he was told that a [redacted] had gone to the area where the dog was shot to retrieve the shell casings. [redacted] was helping Craig to get the shells. [redacted] did go and get the shells at the site.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\*Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_ 2004

(SIGNATURE)

(SUBSCRIPTION OF DEPONENT)

\* Note: This form need only be sworn to if required by Court

STATE OF NEW YORK

COUNTY OF

Ontario

ss:

Page: 1 of 1

Town

of

Bristol

I

DOB

Number and Street

City/Town/Village

State

state the following

allegations of fact which are made upon: direct knowledge and / or upon information and belief:

On NOV 2002 I was hunting at the [redacted] camp located [redacted] in [redacted] Steuben County, NY. The camp is located off [redacted]. We finished hunting for the day and a hunting party came to visit our camp. Craig Cummings, [redacted] and two other hunters came and someone said "we shot a dog." I can't remember who said it. I said to them "you can't shoot a dog." Craig said "yes I can," indicating that he shot the dog. I argued with him that "only an ECO or a police officer can officially shoot a dog." Craig said that he "can shoot a dog." I [redacted] was hunting with Craig when they shot a dog this day. I remember they shot a golden retriever type dog." This dog was probably shot on the [redacted] camp in the town of [redacted].

In the Spring of 2003, I met up with Craig Cummings in the City of Canandaigua. We started talking about the dog shooting. Craig indicated to me that I was right and he couldn't shoot the dog.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\*Sworn to before me this

day of 2004

(SIGNATURE)

(SUBSCRIPTION OF DEPONENT)

\* Note: This form need only be sworn to if required by Court

## CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION

SEC. 100.20 CPL

585-335-9145

STATE OF NEW YORK

County of ONTARIOCITY of CANANDAIGUA

On	DATE 03/09/05	at	TIME STARTED 11:05	I,	FULL NAME [REDACTED]	DATE OF BIRTH [REDACTED]
NO. & STREET [REDACTED]					C/T (V) [REDACTED]	STATE [REDACTED]

state the following: I WORK CONSTRUCTION FOR MYSELF, MY BUSINESS IS CALLED "[REDACTED]", I ALSO PLAY DRUMS IN A BAND CALLED "BUSTERCHOP2" YOU CAN SEE MORE INFO ON MY WEBSITE FOR THIS BAND AT WWW.[REDACTED].COM, I WAS AT [REDACTED] HOUSE THE WEEKEND BEFORE DEER HUNTING SEASON FOR A SHOTGUN SIGHTING IN PARTY, THIS WAS THE FIRST TIME I ACTUALLY MET CRAIG CUMMINGS, I'VE SEEN HIM WITH [REDACTED] BEFORE, RJ WAS INTRODUCED TO HIM AT THIS SHOTGUN SIGHTING IN PARTY, I'VE KNOWN [REDACTED] ALL MY LIFE, HIS MOTHER BABY SAT ME. AT THE PARTY CRAIG ASKED ME TO COME TO A HUNTING CAMP THAT HE, [REDACTED] AND A FEW OTHER GUYS WERE GOING TO GO TO. A FRIEND OF MINE, [REDACTED], WAS ALSO AT THIS PARTY AND I ASKED HIM TO COME WITH US, ALSO. I ASKED IF I COULD BRING MY GIRLFRIEND, "[REDACTED]", WHO IS A STRIPPER. EVERYBODY SAID YES TO BRING HER. SO, ON EITHER THE SECOND OR THIRD DAY OF DEER SEASON I MET CRAIG, [REDACTED] AT THE "WHITE BUCK" BAR IN COHOCTON. I HAD MY GIRLFRIEND AND [REDACTED] WITH ME. WE HAD A COUPLE DRINKS AND ATE PIZZA WITH WINGS. THEN FOLLOWED CRAIG AND [REDACTED] TO THE HUNTING CAMP. AT THE HUNTING CAMP WERE THREE GUYS WAITING INSIDE, ONE WAS AN OLDER GUY AND OTHER TWO GUYS WERE ABOUT MY AGE, I CAN'T REMEMBER THEIR NAMES, WE TALKED ABOUT ME BEING IN A BAND AND HUNTING. THEY ASKED ABOUT MY GIRLFRIEND AND I TOLD THEM SHE IS A STRIPPER. EVERYBODY STARTED ASKING

PICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18

4/84

(SIGNATURE OF DE [REDACTED])

EXHIBIT 5

(WITNESS)

H. T. R. B. [REDACTED]

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

1140

(DEPOSITION)

[REDACTED]

VOLUNTARY STATEMENT  
(CONTINUATION SHEET)

Date MARCH 9, 2005 Page No. 2

STATEMENT OF:

HER TO STRIP FOR THEM. SHE WILL DO JUST ABOUT ANYTHING I ASK HER, SO I ASK IF SHE WOULD STRIP. SHE SAID SHE WOULD STRIP FOR THEM. THEN SHE DID HER STRIP ROUTINE FOR THEM WITH MUSIC THEY HAD PLAYING. WE ALL WERE DOING SHOTS OF WHISKEY AND ANYTHING ELSE THEY HAD TO DRINK. THEN I HAD THE GUYS LAY DOWN ON THE FLOOR AND POURED BEER DOWN MY GIRLFRIENDS STOMACH AND TAKE HER PUBLIC HAIR AND THE GUYS MOUTHS. THE ONLY ONES I KNOW WHO DIDN'T DO THIS WAS THE OLD GUY AND [REDACTED]. I'M NOT SURE IF CRAIG DID, EITHER, I THINK HE DID, BUT JUST CAN'T REMEMBER. I KNOW [REDACTED] WAS THE FIRST ONE TO DO IT. I STARTED TO HARASS [REDACTED] A LITTLE BUT FOR NOT DOING IT. HE BET ME \$100.00 I WOULDN'T HAVE SEX WITH MY GIRLFRIEND IN FRONT OF EVERYONE, I TOOK THAT BET, BUT WASN'T ABLE TO PERFORM IN FRONT OF ALL THE GUYS. I STARTED DOING MORE SHOTS AND FOUND OUT SHE WENT UP STAIRS WITH CRAIG CUMMINGS. I DON'T KNOW WHAT HAPPENED UPSTAIRS BETWEEN HER AND CRAIG, BUT MY GIRLFRIEND WAS CRYING TO ME ABOUT SHE SHOULD HAVE STAYED HOME, BECAUSE SHE COULD HAVE MADE SOME MONEY. SHE DIDN'T MAKE ANY MONEY AT THE HUNTING CAMP. WE WERE AT THE CAMP FOR ABOUT AN HOUR AND A HALF AND THEN WE LEFT TO GO HOME, [REDACTED], MY GIRLFRIEND AND I ALL LEFT TOGETHER. THIS IS THE TRUTH AND END OF MY STATEMENT. X [REDACTED]

Supporting Deposition  
Section 100.20 CPL

State of New York  
County of Ontario  
City of Canandaigua

Date: March 21, 2005  
Time: 2:45 P.M.

I, [REDACTED], reside at [REDACTED]. I am meeting with Sgt. Michael J. Colacino of the City of Canandaigua Police department on my own free will to discuss my knowledge of an incident that Police Officer Craig Cummings and Police Officer [REDACTED] were involved in during the month of November of 2004 at a hunting camp in Steuben County.

I would like to first start out by telling you how I know [REDACTED]. [REDACTED] had been a loyal customer at the [REDACTED] where I was employed last year. I met [REDACTED] in the restaurant in July of 2004. [REDACTED] was a regular customer at 6:30 or 7:00 every morning. He would come into the restaurant alone at 6:30 A.M. when I opened the restaurant. He would come back in at 9:00 with Riv from the barbershop across the street. He would often come into the restaurant a third time for lunch and talk with me. This relationship grew to [REDACTED] and I beginning a more romantic type relationship. I am not married and was aware that [REDACTED] is married. He told me he wasn't happy at home and that he was only staying with his wife because of his son [REDACTED].

As my relationship grew stronger with [REDACTED], I started to distance myself from the guy I was seeing. I started to fall for [REDACTED] and our relationship got stronger and turned sexual. In order for us to have sex together, it required me to allow [REDACTED] to come over to my house. [REDACTED] would park his truck in my driveway. One time, a guy I used to see who works for the city, saw [REDACTED] new truck on the street. [REDACTED] truck says "[REDACTED] [REDACTED]" on the windshield so the guy knew it was [REDACTED] truck. The

EXHIBIT 6

Sgt. Michael J. Colacino

guy was driving the City's garbage truck and was blowing the air horn in the truck.

█ got really nervous about being caught at my house. I told him not to worry about it. We had what I would call a sexual relationship, as that is all we did is have sex. I would say we had sex with each other about 25 to 30 times over a three-month period. █ couldn't take me anywhere because he was afraid to get caught with me. █ would ask me to go with him to his mother's house to cut trees and to do things around his mother's house. I told him no. I was afraid his mother would not like me. █ insisted that his mother would not be mad at me and that he would just tell her I was his friend.

The way that █ and I would get to spend time together is he would tell his wife that he had to work overtime. He would leave his house and call me at 3:00 in the morning. He would then come over to my house and we would hang out until he left for work at 5:30 in the morning. I was forced to break the relationship off when █ became too possessive of me. He called my house one morning near the end of January. It was about 3:00 A.M., as he always called then, and he asked me if he could come over. I told him he couldn't. He kept asking if it was someone else, and I just kept telling him it wasn't a good time to come over. Ever since he accused me of being with someone else, he has acted differently toward me. I told him one other time to stop calling me after that early morning call and he did stop calling me. It was probably best for the both of us. █ and I would spend most of our time together on Sundays when he would drop his kids off in █ and on his way home, he would stop to my house. I had told my landlord that █ was a cop, so the landlord would allow █ to park in the driveway out back to hide his truck. He got nervous as hell when he would take time off at noon and leave work early to come to my house. He would get there at about 12:15 and he told me one day that the "fucking Chief" lives around the corner from me and how bad it would look if he ran into the Chief walking home from lunch. He said the Chief walks home at noon and returns at 2:00, so he would always be careful of that.

█ always seemed to know everything about me. He knew about a couple of arrests that I as involved in and when I asked him how he knew about them, he said Craig



Cummings pulled my orange card. I recall [REDACTED] commenting to me on a couple of occasions that he could either make me or break me. He said that cops can make people or ruin people and it would be best to stay on his good side. I didn't think much of that comment until recently. Ever since I broke it off with [REDACTED] in January of this year, I have been getting drug tested by the probation department and received two home visits in less than a week. I think he has gone to probation on me and told them lies to get me in trouble. I am sure I cannot prove this, but it just seems funny to me that he kind of threatened me to not say anything to anyone as he could make me or break me, and when I told some people about us, I am now being questioned by probation. I have been on probation for 4 years and 3 months and never been asked <sup>TH</sup> ~~asked~~ or drug tested. All of a sudden I am being tested.

[REDACTED] would bring me lunch while he was on duty. He would call my phone and ask me to come out to the driveway. He would then talk to me and hand me a lunch from his police car.

I then was having a problem with a coworker at [REDACTED] so I ended up quitting there and going to be a waitress at Denny's Restaurant on 5 and 20 in Canandaigua. I was having some problems with a coworker at [REDACTED] by the name of [REDACTED]. I had heard that [REDACTED] took [REDACTED] to a motel on Rts 5 and 20. and had sex with her. Gretchen, my former boss, also was aware of the relationship [REDACTED] and [REDACTED] had. I think she didn't like me because she knew I was with [REDACTED] too. Oh well, that is why I quit.

In November of 2004, [REDACTED] told me there was a bunch of guys going to a hunting camp in Steuben County. [REDACTED] asked me if I wanted to go with them to the camp. I told him no way would I go where there was that many guys. [REDACTED] promised to take me to a hotel each night and that I wouldn't have to sleep at the cabin. I still said no. [REDACTED] called me from his cell phone while he was on the hunting trip. He said that one of the guys brought a hooker with them to the camp. He stated that she was nasty and that she was a stripper too. He said the girl was spending the night or spent the night

*[Handwritten signature]*

at the camp. He also told me that the guys were being really nasty to her and treating her like a slut. He said that everyone was banging her except him. He didn't say he did anything with her. Why would he say anything as he was with me at the time. [REDACTED] told me that one guy would be laying on the ground underneath the girl while she would straddle the guys face. The other guys would be fucking the girl in the ass. I asked him where the girl came from and he said his buddy brought her and that they all had to pitch in money to buy her. He said at one point that he thought she was so nasty that he actually took his money back from her out of her purse while she was riding up and down on [REDACTED] dick. [REDACTED] described walking up onto the loft and sneaking up on [REDACTED] and her. He said that when he looked in the loft area, all he could see is [REDACTED] laying on his back and the stripper riding up and down on [REDACTED] dick. He said he took his money back because he didn't want anything to do with the whore. He said he was disgusted and that she was nasty. She also remembered [REDACTED] saying the girl was so nasty that all of the men said her pussy stunk.

[REDACTED] told me that they did pay the girl for her acts. He described her laughing that she was an "anything goes type girl." He also commented to me that the bitch had the nerve to ask me for a kiss before she left the cabin to go home.

I remember the day that [REDACTED] got back from the hunting trip. I think it was between the dates of November 25<sup>th</sup> and November 27, 2004 that he got back. He told me again all about this. He would come to Denny's Restaurant to see me. [REDACTED] asked me to promise that I wouldn't say anything to [REDACTED] about what he told me and about [REDACTED] and my relationship.

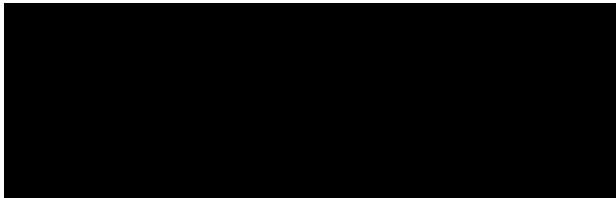
My boss at Dennys thought this relationship was a big joke between [REDACTED] and I as every time that [REDACTED] would come to the restaurants I worked at, he would always give me a \$25.00 tip. This happened at both restaurants.

[REDACTED]

*[Handwritten signature]*

██████ did threaten to make anyone's life that I was seeing, a living hell. He said that he would stop them for no reason and write them tickets. He said he could find anything on a car to write someone a ticket for.

I hope that I cannot get in any trouble from this, but I will cooperate in any way I have to. I am not mad at ██████, but I think he needs to be honest with the department and tell the truth about what he told me ██████ did while he was in Steuben County.



*Sgt. Michael J. Colacino*  
Sgt. Michael J. Colacino

Time Ended 11:59 AM P.M.  
Date: MARCH 23, 2005  
Wednesday TB

**DATE:** March 15, 2005  
**TO:** Sgt. Michael Colacino  
**FROM:** Cheryl A. Berry  
Secretary to the Chief  
**SUBJECT:** I.A. #004-2004 Statement

On Monday, November 29, 2004, sometime between the hours of 830 and 0930, [REDACTED] came to my desk and engaged me in conversation. It was obvious he "couldn't wait to tell me something." I know this about him because it has happened numerous times in the past.

He proceeded to tell me "You should have seen [REDACTED] this weekend. A bunch of us guys were at the hunting camp and we went to the White Buck and Tally Ho and a couple other bars and had a few. Then they brought this hooker back to the camp that we picked up in one of the bars. Well [REDACTED] was up there with her and he came running down spitting and everything." I said why was he doing that, to which [REDACTED] replied "He said he went to go down on her and he couldn't stand the smell after we all shot our load in her." I expressed disgust at this incident and [REDACTED] went back on patrol.

*Cheryl*  
3/15/2005

## SUPPORTING DEPOSITION

My name is Thomas D. Reh and I am an Assistant District Attorney for the Ontario County District Attorney's office. I have been the lead prosecutor on the Craig Cummings dog shooting case, and have been involved in the investigation and prosecution from the inception of the case.

In furtherance of the investigation, I spoke with [REDACTED] on the morning of January 21, 2005. I had information regarding alleged criminal activity with a prostitute in Steuben County that would have occurred in November of 2004, and wanted to discuss the matter with Mr. [REDACTED] who I understood was present.

When I broached the matter with Mr. [REDACTED] on the morning of January 21<sup>st</sup> at my office, I told him that it had come to our attention that a number of individuals, including Cummings and [REDACTED] were at the [REDACTED] hunting camp in November of 2004, and that I understood that a hooker had been brought along for the trip (I believe I used the term 'hooker', but may have referred to her as a 'prostitute');. Mr. [REDACTED] told me that it was absolutely true, but that he ([REDACTED]) had not been involved in the escapades with her. He further stated that the hooker had been brought to the camp by [REDACTED] and that [REDACTED] was involved in the trip because he was a friend of Mr. [REDACTED].

The particulars of the activity with the prostitute were not discussed, but it was clear to me from the conversation that sexual activity had occurred between her and other individuals at the camp, including Cummings. At no time did Mr. [REDACTED] ever describe the prostitute as being [REDACTED] girlfriend.

**False Statements made herein are punishable  
Pursuant to CPL Section 210.45.**

Signed: Thomas D. Reh

Thomas D. Reh

Date: 3/30/05

Witness: Marna Evans

*Sen. M. D. F. C.*

1. Agency Canandaigua Police Department	2. Division/ Precinct Patrol	New York State <b>SUPPLEMENTAL REPORT</b>	Supplement To:	Incident No.	5. Arrest No.
5. Date 03/09/05	6. Time of Report 14:30hrs	7. Complainant Name Internal Investigation		8. (Offense Name)	

Narrative

On March 8, 2005 after 14:00hrs. I interviewed Sgt. [REDACTED] in my Office at the City Of Canandaigua Police Department as a witness to an allegation involving Craig Cummings. Sgt. [REDACTED] did sign a CPD #65, Administrative Warnings form, after I read same to him. This interview was audio recorded with Sgt. [REDACTED] being aware of same. The interview was approximately 20 minutes in duration. After this interview I requested Sgt. [REDACTED] to transcribe what he had just told me into writing using his own words. Sgt. [REDACTED] put this interview into written form and then signed this statement in my presence. I forwarded this statement, CPD#65 and audio tape to Chief McCarthy for this review. I advised Sgt. [REDACTED] not to discuss our conversation or the investigation our Department is conducting with anyone. Sgt. [REDACTED] stated he understood and would not talk about this with anyone.

On March 9, 2005 at 11:00AM another possible witness came to the PD to be interviewed by me. This appointment was set up by Sgt. Colacino with my approval with [REDACTED], DOB [REDACTED], W/M. I interviewed [REDACTED] and transcribed what he said to written form on a CPD#18, Supporting Deposition. [REDACTED] signed this statement after being advised of signing a false statement is a crime by me. I gave Mr. [REDACTED] one of my Business cards and told him to contact me if he thought of anything else. I asked [REDACTED] when the last time was that he spoke to [REDACTED] and he told me [REDACTED] called [REDACTED] lastnight and again this morning on Sgt. [REDACTED] Cellphone. [REDACTED] states Sgt. [REDACTED] wouldn't tell him what I wanted to talk to him about and just told [REDACTED] to come in and see the Lieutenant and tell the truth. [REDACTED]'s home phone number is [REDACTED]. Another witness was brought up during this interview with [REDACTED]. The possible witness name is [REDACTED] who also lives in [REDACTED], but [REDACTED] states he doesn't know the address and Mr. [REDACTED] does not have a telephone. [REDACTED] will have Mr. [REDACTED] contact me for a possible interview. Sgt. Colacino advised me on March , 2005 he will locate the girl that has been brought in previous statements for interview, etc.

At this point of this investigation I find merit to continue interviewing all witnesses. After all interviews are concluded an interview with Craig Cummings should be conducted.

Lt. Larry R. Bornheimer # 835

ADMINISTRATIVE	10. Inquiries	11. NYSPIN Message No.	12.	82.
	13. Reporting Officer's Signature (Include Rank) <i>Lt. L.R. Bornheimer</i>	14. ID No. Lt-835	15. Supervisor's Signature (Include Rank)	16. ID No.
	Case Status Open	18. Status Date 03/09/05	19. Notified/ TOT Chief 03/09/05	<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>1</div> <div>Page of Pages</div> </div> <div style="text-align: center;">1</div> <div style="text-align: center;">A use cover sheet</div> </div>

Note to File:

IA 003-2004

March 8, 2005

RE: Identification of Witness

On today's date, I received information from Lt. Bornheimer that [REDACTED] told him his friend who brought his girlfriend to the Camping trip in Steuben County is [REDACTED] and he lives at [REDACTED]. His cell number is [REDACTED]. He stated that his girlfriend's last name is [REDACTED] or they call her [REDACTED].

I contacted [REDACTED] and he stated that he will come in and see Lt. Bornheimer the next day. He told me his girlfriend is called "[REDACTED]" which is different then [REDACTED] had indicated. ([REDACTED]) [REDACTED] described his girlfriend as having reddish brown hair, long hair. He stated that all Craig had was a Bush Beer. I didn't know what that was so he said that Craig laid down on the ground and his girlfriend sat over the top of Craig's face and poured beer through her bush and into Craig's mouth. He said his girlfriends real name is [REDACTED] but they call her [REDACTED]. He said she is a stripper.

He said she works at Rick's Tally Ho

[REDACTED] also stated that his band is called the "[REDACTED]"

He also stated when asked, that he dated [REDACTED] on and off for a couple of months. He didn't recall her phone number, but had it in his phone and would call me back with it.



EXHIBIT 17-

IA. 009-2004

Note To File:

March 15, 2005

Spoke with Craig Cummings at the Police Department when he stopped to pick up papers from his mailbox. I advised him that I needed to speak with him this week on Wednesday or Thursday. Craif stated that he needed a few days as his Aunt and Uncle have just passed away and that he was in the middle of the funeral arrangements. I advised him that the meeting would take about an hour and that I would like to do it this week. He agreed and stated he would call me this afternoon and let me know what day will work best for him.

  
MIT

Note to File:

IA 003-2004

Date: March 16, 2005

RE: Interview of owner of White Buck Inn

I went with [REDACTED] to the White Buck Inn bar located in Cohocton, New York in Steuben County. Upon arrival, I met with the owner of the bar. His name is [REDACTED]. I was at this location at about 7:00 P.M.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

He stated that he recalled [REDACTED] and Craig Cummings coming to his bar in November of 2004. There was also a guy with [REDACTED] named [REDACTED]. [REDACTED] knows [REDACTED] and [REDACTED] as he went to school with [REDACTED] and did some well drilling for [REDACTED] over the years. [REDACTED] stated that [REDACTED] and [REDACTED] were in with a girl that he described as having large breasts. He stated she was "well built." He said he recalled them having a few drinks, ordering some wings and a pizza to go. [REDACTED] also said the girl was dancing to the music from the juke box. [REDACTED] did not know who the girl was nor did she appear to be with any one guy as she was talking with every guy in [REDACTED] crowd. I asked [REDACTED] if he knew who [REDACTED] was and he said he has never heard of [REDACTED]. He was given my name and number and asked to call me if he saw the same girl back in his bar. Nothing further to report.

*MS*

Note to File:

IA 003-2004

March 16, 2005

I contacted the Bath "Tally Ho" [REDACTED]

I went to the Tally Ho Bar and found the owner [REDACTED] [REDACTED] has owned the bar since October 1, 2004 and he doesn't know any girl named [REDACTED]. He also doesn't allow strippers in his place. He said he has thought about trying to arrange for strippers on occasion to keep his business alive. He doesn't operate stag parties with strippers. The place is a restaurant and a bar, not a strip club.

He provided me with a list of workers through paychex corp and none of them would be a stripper. He stated the only employee possibly involved in activity like that would be [REDACTED] as she is no longer with his place and has little money. He said she may be involved in activity like stripping as she needs cash.

His contact information is:

[REDACTED]  
[REDACTED]  
[REDACTED] Home

[REDACTED] provided the following other strip clubs in the area: The Last Lap 607-359-3807  
McHales in Corning New York. No number provided..

*MP*

Note to File:

IA 003-2004

March 17, 2005

RE: Phone Call from Craig Cummings

Received a telephone message from Craig Cummings which he left a message stating he would be available for interview on Monday, March 21, 2005 after dinner as he was busy with Funeral Arrangements for his Aunt.

Craig left his cell number of [REDACTED]

He also said his Attorney was available at that time and that he wanted to come in and cooperate fully with the investigation.

A handwritten signature in the bottom right corner of the page, appearing to be "MJD".

Not to File:

March 17, 2005

RE: Interview of [REDACTED]

On today's date, at about 3:50 P.M., I met with [REDACTED] at Tim Hortens in Canandaigua and spoke at length with him about his knowledge of photos being on the telephone of [REDACTED]. I condensed the conversation to writing and concluded the interview at about 5:00 P.M.

A handwritten signature in black ink, appearing to be 'MJD' or similar, located below the main text block.

IA 003-2004

Thursday March 17, 2005

[REDACTED]

I asked [REDACTED] what kind of a person she was and he told me that they had to let her go because they had heard she was involved in what they thought me be prostitution. He said that they were made aware of her going to the Holiday Inn and performing over there and that they were made aware of her leaving the club and going to hotels with guys. This is against the rules and the club doesn't tolerate activity of that nature.

█████ stated that he was aware that she had a warrant out for her. He then stated that he thought something was odd, as he knew of another cop that was looking for █████. I asked when, and he said it was about the end of January of 2005, and Rick's Tally Ho had just fired █████ for what they viewed as improper conduct. █████ stated that a Police Officer came into the bar and was asking for █████ (█████). He said that the police officer stated that he was looking for her as he had a warrant for her, and that is how █████ knew of a warrant for her arrest. █████ also stated the Police Officer was in plain clothes and that he didn't know whether to believe he was a cop or not. I had asked █████ to describe the Police Officer and he said he was a good sized guy, dark hair, slight mustache and stocky. I advised █████ that I would be back into Rochester on Saturday evening and I would stop to see him at about 9:00 P.M. at Rick's Tally Ho Lounge on Jefferson Road.

EXHIBIT 9

Melvin Holm

Note To File:

IA 003-2004

Accused: Police Officer Craig Cummings

**Saturday March 19, 2005**

At about 9:00 P.M., I arranged to meet Assistant District Attorney Thomas Reh at the thruway exit 45 to assist with the interview of potential witnesses at the Rick's Tally Ho lounge on East Henrietta Road. I met with Thomas Reh and we traveled to the Rick's Tally Ho Lounge and met with [REDACTED], [REDACTED] the front door manager at about 9:40. [REDACTED] stated he had received a telephone call from [REDACTED] ([REDACTED]) on his phone and he thought it was odd as she asked if they could hang out together. He gave me the telephone number and agreed to make another call to figure out where she was living. He called back and at about 10:00, [REDACTED] supplied us with a map of where her apartment.

[REDACTED] had advised this officer on Thursday afternoon 3-17-05, that he was aware of [REDACTED] and that her real name is [REDACTED]. (See attached Investigation Report of 3-17-05) I displayed a Department Photograph to [REDACTED] at 10:18 P.M. and I asked [REDACTED] to study each person in the picture to see if he could identify the officer referenced in my report of 3-17-05 that was in the bar and stated he was looking for [REDACTED] on a warrant. Within 45 seconds, [REDACTED] pointed out Sergeant [REDACTED] as the person who was in the bar in late January or early February looking for [REDACTED] on a warrant.

At 10:45 P.M., we drove to [REDACTED]. The map showed the address of [REDACTED]. Upon arrival, the occupants of apartment [REDACTED] let us in. We went into the building and knocked on apartment [REDACTED] door and received no answer. I tried to call the cell phone number and was met with negative results. A third try to cell phone of [REDACTED] with my telephone number unblocked was successful. A female answered the phone and replied her name was [REDACTED]. While talking to her, she became very nervous and was asking over and over if she was going to go to jail. She begged me to tell her if she was going to get locked up. I stated that I was not going to arrest her and that I needed to talk to her. She asked why, and I told her I was conducting an investigation into a matter that took place involving a Police Officer within our department. She was still nervous, and said she was worried about going to jail as she heard there was a warrant for her. I said I have no warrant for her and that I needed to talk with her soon. She still was too nervous to have me come to her house. I told her I would meet her at a Denny's Restaurant and she finally agreed and said she would get her girlfriend to come and give her a ride to meet me.

*Sgt. Mullins*

At about 10:55 P.M., I received a telephone call back from a restricted number. The caller identified himself as [REDACTED] and that he was the father of [REDACTED] child and that [REDACTED] wasn't available to come and meet me at that hour of the night. He then demanded that I let him know what it is about. He appeared to be nervous to talk to me or to let [REDACTED] talk to me. I told him the same thing I told [REDACTED] and he asked me if it was about her stripping in Steuben County for the cops. I said it was. I told him it was difficult for me to discuss details over the phone, as I didn't know what he was aware of in [REDACTED] life. He told me he knows everything she does and that she is a dancer. He then said, all right, the red flags are down and that he would continue to talk to me. [REDACTED] went on to tell me that [REDACTED] performed for the guys in a hunting camp, got paid her money, nobody ripped her off. He said she drank a couple of Busch Beers. (He specifically said she "drank" a couple of Busch Beers.) She danced more and had no problems. He then said he would come and meet me any time on Sunday with [REDACTED] and tell her side of the story.

[REDACTED] then told me that he knew something was happening with this case as [REDACTED] was all nervous the police were going to arrest her because she got a phone call from [REDACTED] on Thursday or Friday night. [REDACTED] was one of the guys at the party. [REDACTED] said that the police were trying to track her down and he didn't want her to tell us anything.

[REDACTED] went on to tell me that [REDACTED] would cooperate. He agreed to call me on Sunday at Noon to come to Victor and meet with me.

We continued to look for [REDACTED] with negative results. Detail concluded at 1:30 P.M.

*mt*

Note To File:

IA 003-2004

Accused      Police Officer Craig Cummings

Wednesday, March 30, 2005

At 12:00 P.M. on Wednesday, March 30, 2005, I met with "[REDACTED]", ([REDACTED]) at Tim Horton's Restaurant on Lehigh Station Road in Henrietta. While at the location, [REDACTED] made a written statement to me about her involvement in conduct at a hunting Camp In Steuben County.

[REDACTED] was shown a department photograph and asked to identify the persons, if any, that were present at the Hunting Camp in Steuben County during the month of November of 2004. She immediately picked out Sgt. [REDACTED] and Police Officer Craig Cummings as the two people who were present at the Hunting Camp while she performed a strip act for them and several other men. She didn't know names, but referred to Craig Cummings as the one who had a bad knee and was out of work for a while. She then referenced Sgt. [REDACTED] as the person with white hair in the picture, or she pointed to the picture and said that his name was [REDACTED]

The interview was concluded at 1:08 P.M. Written Statement obtained is submitted with Investigation Report.

