

APPENDIX F.1.

MCCARTHY



**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE POLICE**

Case Number: 1500597197
Location: Troop C
Date: 10/22/15
Time Started: 1036 hrs
Time Ended: 1123 hrs

STATEMENT OF: Daniel P. McCarthy

I, Daniel P. McCarthy date of birth: 03/17/64
of 1111 Country Club Road, town / city of: Middletown, CT phone: 18608758911

make the following statement, without fear, threat, or promise. I have been advised that any statements(s) made herein which I do not believe to be true, and which statement is intended to mislead a public servant in the performance of his/her official function, is a crime under C.G.S. section 53a-157.

I am speaking to Detective Langevin and Detective Luther today of my own free will. I am Tfc. Daniel P. McCarthy # 1195. I have been a sworn member of the Connecticut State Police since May of 1994. I have been a member of the Connecticut State Police Tactical Unit since March of 1996. On the day of this incident I was off duty, at my residence. On 10/10/2015 at approximately 00:07 a.m. I received a Tactical Team activation from the CSP message center to respond to the Econo Lodge located at 1750 Boston Post Road in the Town of Old Saybrook for a barricaded subject that was suspected in numerous robberies, and fired several rounds inside his motel room. I put on my tactical gear which consisted of a Level 4 tactical vest which held four M4 magazines (each magazine containing 28 .223 caliber rounds), a ballistic helmet, my communications set and a portable radio. My ammunition was all department issued. I also had my department issued Colt M4 Commando Rifle which also contained 27 rounds in a mag and one round in the chamber. I then linked up with Sergeant Joseph Mercer # 176 in the parking lot of the Econo Lodge. Sgt. Mercer is the ESU Commander of the Tactical Team. I am the Assistant Team Leader, and have been so for about fourteen (14) years. Also present was Team Leader Sergeant David Luke # 109. We were advised that there was a barricaded subject that they believed had shot himself while he was on a 911 call. We were also informed that the subject was a suspect in several recent bank robberies in Connecticut and Rhode Island. While enroute from home I was also listening to radio communications on the Troop F channel 17F. We were then advised that the Econo Lodge had been evacuated with the exception of one room located beside our barricaded subject. At which time, Sergeant Luke and myself deployed our team to Room 113 to evacuate the last person inside the motel, an elderly woman. Room 113 is located on the first floor of the hotel facing the main parking lot. We approached from the west side of the hotel. I had been provided a hotel room entry swipe key card from team leader David Luke which allowed us entry into room 113. After removing the elderly lady from room 113, we re-approached from the east side of the building. The order of stack was as follows:

1. Tfc. Rick Oenning (Ballistic Shield)
2. ATL Tfc. Daniel McCarthy
3. Tfc. Carson Konow (Arwen)
4. Tfc. Kevin Cook
5. TL Sgt. David Luke

By affixing my signature to this statement, I acknowledge that I have read it and / or have had it read to me and it is true to the best of my knowledge and belief.

Witness: DET. [Signature] #118 Signature: [Signature] Daniel P. McCarthy #1195
Witness: DET. [Signature] #702

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

Notarized, endorse here: _____

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6. Tfc. Chad Gomez
7. Tfc. Jeff Poach (Breacher-Ram/Halligan Tool)

We approached Room 111 which is located next room 113. I used the swipe key card to enter room 111. The room consisted of one room containing two beds, and a very small bathroom off of the bedroom. Before making entry we deployed a robot into the bedroom to locate the barricaded subject. The robot cleared the bedroom and found nothing. The robot could not enter into the bathroom door because it was closed. We then entered the room and cleared the room to the bathroom. I did not hear any noise coming from the bathroom, and the bathroom door was locked when I checked it. I then called up my breacher, Tfc. Poach. Tfc. Poach waited for my command to breach the bathroom door. Tfc. Poach breached the bathroom door and immediately after Tfc. Oenning entered with the ballistic shield. I was directly behind Tfc. Oenning. The bathroom was very small and I looked through the crack on the hinge side of the bathroom door while entering and saw the barricaded subject standing with a black handgun raised to chest level and ready to shoot. The subject was pointing the black handgun directly at Tfc. Oenning. Tfc. Oenning was located directly in front of me inside the bathroom. Tfc. Oenning was located behind the shield he was holding with his pistol drawn. I immediately gave numerous verbal commands telling the subject to drop the gun. I also heard other team members give verbal commands for the subject to drop the gun. The subject was not wearing a shirt, and was wearing shorts. The subject was covered in blood all over his face and down the front side of his body. The subject appeared to be a white male but it was hard to tell because he was covered in blood. I did not observe any physical injury, or the blood. I did not hear the subject say anything. The barricaded subject was standing in the corner of the tub and I placed my M4 Colt carbine in the crack of the bathroom door (on the hinge side) and ordered him numerous times to drop the weapon. My only concealment was the hollow core bathroom door. The barricaded subject then turned the gun towards me; his face and chest were covered with blood. He was approximately 3 feet from me. I was immediately concerned for my safety, and the safety of my team members. From my training and experience I recognized this as a deadly force situation. At this time, I fired two rounds into the barricaded subject. The barricaded subject leaned back to the corner of the tub and I made entry into the bathroom to supply cover for Tfc. Oenning. Tfc. Carson Konow who was directly behind me took position where I was, and also fired two rounds into the subject. At this time the gun was still in the subject's hands and pointed at myself and Tfc. Oenning. I then closed the bathroom door so we could see the barricaded subject at which time he had gone down to a sitting position in the tub. The barricaded subject still had the gun in his hands positioned near his lap, with the muzzle of the gun pointed in the direction of Tfc. Oenning and myself. At this time Sgt. Luke yelled that the subject still had the gun. The subject was advised again to drop the gun at which time he did not. I then fired another round into the subject, striking him in the head to stop the immediate threat. I did not hear the suspect say anything during the entire incident. The gun then dropped in between his legs and

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Witness: DET Brett Langin #948

Signature: TRC Daniel P. McCarthy #1195

Witness: DET-TH #702

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here:

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Sergeant Luke yelled for medical personnel. At this time I put my M4 Colt Commando carbine on safe and it stayed in my possession until detectives from the Eastern District Major Crime Unit seized it. I told Tfc. Oenning to get the gun away from the subject which he did. At this time Tfc. Lanouette, the Tactical Team Paramedic, came into the bathroom and immediately assessed the subject. At this time we were directed to go to the lobby of the motel and wait for further directions. I was not physically injured during this incident.

It should be noted that as a member of the State Police Tactical Unit I train with my assigned department issued M4 Colt Commando rifle at least once a month since it has been issued to me. My rifle was clean and fully lubricated prior to the incident. At the time of this incident I was not carrying my department issued Cerberus Tactical .45 caliber 1911 pistol, or any other firearms.

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Witness: DET Brett Longin #948

Signature: Daniel P. McCarthy #702

Witness: DET. [Signature] #702

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