



# PALM BEACH COUNTY 10-13 CLUB

Post Office Box 1511, Boynton Beach FL, 33435

*The First 10-13 Club in America*

A MEMBER OF NEW YORK 10-13 ASSOCIATIONS OF AMERICA

NOVEMBER 2019

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VOL. 23, ISSUE 3

An organization of active and retired New York City Police Officers of all ranks.



**NEXT MEETING : MONDAY, NOVEMBER 4, 2019**

**TIME: 7:30 PM. DOORS WILL BE OPEN 7:00 PM**

**LOCATION: VFW HALL, POST #5335.**

500 NE 21st AVENUE, BOYNTON BEACH, FL 33435.

**PHONE 561-737-4102**

**DIRECTIONS:**

**FROM I-95:** EXIT GATEWAY BLVD AND PROCEED EAST TO NE 4TH STREET. RIGHT ONTO NE 4TH ST AND A QUICK LEFT ONTO NE 21st AVENUE. VFW HALL ON RIGHT SIDE

**FROM US-1:** PROCEED TO GATEWAY BLVD AND HEAD WEST. PROCEED TO NE 4TH ST AND TURN LEFT/SOUTH. MAKE A QUICK LEFT ONTO NE 21ST AVENUE. VFW HALL ON RIGHT SIDE



**URGE YOUR NEW YOUR FRIENDS AND FAMILY, VOTING IN  
NEW YORK CITY, TO VOTE**

# NO

**New York City Ballot Question 2,  
Civilian Complaint Review Board Charter Amendment**

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**WWW.PBC1013.COM**

## PBC 10-13 Club Executive Board

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**John Caparosa**

**Telephone 561-706-8339**

**Email: JPCpd6694@aol.com**

### *Vice President*

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**Telephone 914-329-2830**

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**Hank Friedman**

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**914-329-2830**

### *Publicity:*

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**561-512-7817**

### *Chaplain*

**Rev. Rick Riccardi**

**Telephone 561-533-1459**



# President's Message

Greetings All. I attended the 10-13 Presidents meeting 10/26 and will have a report at our next meeting Monday, November 4, 2019. As a heads up, we will be selling \$50 raffle tickets in the near future to help raise money to fund the 10-13 Scholarship Program. Like the recent raffle held by FOP Lodge NY3100, the top prize will be \$5K, with similar prizes. Without the successful raffle ticket campaign, there won't be anymore scholarships issued. To be continued. We will have two guest speakers at our next meeting, Robert Seigel from Strategic Wealth and Marc Levy from BTTN Genetics. See you at the November meeting, John Caparosa, President, PBC 10-13 Club



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# Secretary's Report

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Report of PB 10-13 meeting 10/7/19

There were 46 members in attendance

President Caparosa opened the meeting with the pledge a prayer.

First VP Mark Mekler introduced our first guest, Leah DeCicco, Sales Director for Barrington Terrace Senior Living. Barrington offers Assisted Living, Memory Care - Alzheimer's / Dementia, Rehabilitation, and Skilled Nursing Care. They have a 5 star rating from JD Powers and boast a resort like facility. Hospitals often discharge patients to Barrington for their short term rehab services. Barrington has 29 rehab beds and 90 rental units. Barrington provides entertainment for its residents through the week and offers religious services in several faiths. Barrington Terrace is located on Congress Avenue in Boynton Beach. For additional information please contact Leah DeCicco at 561-369-7919

Vice President Mark Mekler introduced Courtney Becker from Rise Botanicals. Rise Botanicals sell high quality Hemp and CBD products that help individuals with conditions such as arthritis, Fibromyalgia and general pain. The CBD cream that they sell is from a hemp derivative and provides pain relief by reducing inflammation. Courtney gave out samples for our members to try. Within minutes of applying the cream, one member remarked that he had a reduction of pain in his arm. There was a discussion on the CBD products, and Courtney pointed out that her products are legal to own since they do not contain THC, the ingredient in marijuana that gets you high. Rise Botanicals have retail locations through Florida, with locations opening in the South Florida area soon. For more information please contact Courtney at (954) 995-4483.

Vice President Mekler next introduced Wendy D'Uva from Options Home Health. Options provides superior care, compassion and comfort at home. They offer skilled nursing, physical therapy, speech therapy, occupational therapy, medical social worker, home health aide, coordination of community resources, coordination of medical equipment and coordination of private duty services. They can provide extra help in your home with meals, wound care, transportation, etc. No prior hospitalization is required. Their services are covered by Medicare, but not all Medicare advantage plans. For more information please call Wendy at 561-543-5681

President Caparosa introduced Norm Rapport, Executive Board Member of FOP Lodge NY3100. Norm mentioned this year's Holiday Party to be held December 12, and will be at The Pavilion Grille, 301 Yamato Rd #1201 Boca Raton. Norm also spoke about FOP dues which are due by November 1st. The raffle drawing for the RMP fundraiser will take place at their next meeting, 10/24 at the FOP lodge hall on Miner Road, Boynton Beach.

\$29.00 was collected for POPPA.

There were three 50/50 winners of \$20 each:

Stan Kriegsman, Linda Hoerter, Charles Interdonato

Due to a technical problem, there was no attendance award drawing at this meeting.

Submitted by Gordon Nash, Secretary



# NYPD news

New York City Police Department

## NYPD cops fatally shoot naked suspect after fellow officer is hit during gunfight in Harlem

A police officer was shot in his protective vest during a “violent struggle” with an armed and naked man inside a Harlem apartment building — and the suspect was then shot dead by cops, police and sources said. The 34-year-old officer from the 32nd Precinct — a seven-year veteran of the force — was taken to Mount Sinai St. Luke’s Hospital in stable condition, Police Commissioner James O’Neill told reporters at the hospital.

The gunfire at Frederick Douglass Boulevard did not penetrate his body, he said. The officer was later released.

Cops recovered a firearm from the suspect, identified by sources as Victor Hernandez, 29, who was pronounced dead at Harlem Hospital, the top cop said. His firearm was recovered at the scene, he said. Sources said the suspect was the superintendent of the building at 2785 Frederick Douglass Blvd. His mother was a cop at the 52nd Precinct, according to sources.

Eight uniformed officers responded to the building shortly before 2 a.m. in response to a 911 call from a resident saying a man was harassing her, banging on doors and breaking glass, O’Neill said.

“As the officers fanned out to search the second-floor hallway, one officer suddenly encountered the suspect standing naked, pointing a 9mm semi-automatic handgun at the officer,” O’Neill said. “A violent struggle immediately began and shots were fired.”

He said the officer “yelled for help as the struggle continued.”

“The other officers discharged their firearms, striking the suspect several times. Our officer had been shot one time in the chest. The round did not penetrate his bullet-resistant vest. Our officer had also been punched numerous times, resulting in injuries to his face,” O’Neill said. The suspect had had “previous interactions with the police,” he said. Sources told The Post he had two domestic violence arrests this year.

The 911 caller told The Post that she heard “a lot of commotion going on in the hallway,” including glass breaking.

“When police came, I buzzed them in. I felt threatened,” said the second-floor resident, who identified herself as Selena.

“I open my door ... I saw Victor, he was buck naked. He had a laptop, a tablet — no bigger than that — he was buck naked and banging on the other door.”

She continued: “I don’t know if he was high, I don’t know, but he had that look in his eye, kind of wild — because I made eye contact with him, he started running towards me and I shut my door ... he was kicking my door. He ran towards his apartment.”

The woman added that she also saw a dead dog in the hallway.

“Next thing I heard: ‘Shoot him! Shoot him! Shoot him!’” she said.

Mayor Bill de Blasio said he visited the stricken officer, who he said was in “good spirits” and with his wife, a fellow cop whom he met at the police academy.

“Thank God, because of his vest, he is alive, he is well,” Hizzoner said. “This is a situation ... that our officers face every day in the city, a call comes in, something happens, you don’t expect it to happen.”



## **NYPD, CCRB testify on repeal of law shielding cop records**

Top NYPD and Civilian Complaint Review Board officials were finally allowed to weigh in Thursday on the law that keeps police personnel records from the public — a week after the mayor's office prevented them from testifying over fear of a public dispute.[close dialog](#)

Both sides took unsurprising stances on Civil Rights Law 50-a during a hearing of the state Senate Committee on Codes in Albany — with the NYPD supporting an amendment to the law and the CCRB pushing for more substantive reforms and possibly full repeal.

NYPD Assistant Deputy Commissioner Oleg Chernyavsky said “the NYPD does not fear scrutiny,” but the department is concerned with potential officer harassment on the street and “in the courtroom based upon unsubstantiated” claims.

“Officers have seen protests at their homes and death threats to themselves — and their families — even before the fact of an incident are fully known,” Chernyavsky said, noting that personal information is “only a Google search away.”

CCRB Chairman Fred Davie said he personally supports a full rollback of 50-a — which shields internal records on cops, firefighters and corrections officers from release — but wouldn't speak for the board. The chairman — whose tempered testimony echoed his public statements over the weekend — noted there was a consensus among board members for some sort of reform but wanted to have a public discussion on the matter, leaving the door open for the board to vote to support repeal.

“Where we are limited in feeling public confidence is our inability to share important information about our investigations because of 50-a,” Davie said. “We are thwarted in our efforts to provide increased transparency in the disciplinary process.”

Both sides agreed that transparency should not affect anyone's safety and welcomed further debate on the topic.

The NYPD and CCRB were both on the schedule to testify before lawmakers during the first day of hearings, but sources said the mayor's office told both officials to skip the hearing to avoid putting a spotlight on the rift between the two groups.

A spokesperson for the CCRB said there were “some conversations” with the mayor's office over Davie's testimony but could not say who told him not to testify last Thursday.

Mayor Bill de Blasio has denied knowing about the order but has not responded to whether someone else called for the canceled testimony.

When asked about the no-show last week, an NYPD spokesperson said the department has made its stance on the law clear.

The NYPD did not respond to questions about why it suddenly decided to testify.

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4/20

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## 2020 NYPD FLORIDA REUNION LUNCHEON

SAME PLACE AS LAST YEAR

**DATE:** Thursday, February 13, 2020 / 12:00pm to 4:00pm

**\$45 per person (MUST PREPAY) Check must be received by January 3, 2020**

Price includes sit down lunch and 2 hours of beverages. An additional 2 hours of beverages provided through the generosity of Irv Mechanic. Bar is limited to beer, wine and soda (cash bar available).

### Location:

Benvenuto's - 1730 N. Federal Hwy. Boynton Beach, FL 33435 (561) 364-0600.  
If you plan to attend, please mail your check (**with a phone number**) made out to:

**NYPD Florida Reunion Luncheon**

**PO Box 356**

**New City, NY 10956-0356**

**TABLE RESERVATIONS:** Minimum of 10 people / Maximum of 12 people. Please list a contact person for your table.

If you are part of a group of less than 10 & would like to sit together, include the checks from each member of your party along with each individual's phone number in the same envelope. If you are not at a reserved table, you will be assigned to a table. If you wish to sit with or near a certain command, ie: 24 Pct, Intel, please include your request when sending in your check.

Note: Please include a phone number with check. Payments will **NOT** be taken at the door.

<u>Committee:</u>	<u>New York</u>	<u>Florida</u>
Bill Callahan	845-664-4227	845-664-4227
Harvey Grape	845-634-5723	845-596-8328
Artie Marra	845-638-0113	845-548-7165
Walter Silbert	561-810-5502	561-631-1201
Bill Giblin	917-572-6541	917-572-6541
Ed Vincenzi	917-414-9394	917-414-9394
Jack Hartigan	"Honorary Committee Member"	

# DUES ARE DUE!

If you have not paid your dues yet, please send them in.

## **Our Tolerance For Criminals Will Soon Be Tested (New York State)**

Last week law enforcement officers from across Chenango County attended training to prepare for the impending monumental shift in our state's criminal justice system. The law changes on the horizon are so weighty the District Attorney, Mike Ferrarese himself lectured the gathering of cops and deputies. Beginning January 1, 2020, changes in two areas of NYS laws will drastically impact law enforcement and prosecutors; pre-trial confinement using bail and the rules involving the discovery of evidence. These changes in the near future are significant, intricate and include many details and a few exceptions, however, my column will only cover the wave-tops of the subject matter, nonetheless, you should all get the gist of what is coming in about 83 days.

First let's look at Part I, pre-trial bail. Bail exists to ensure people will return to court to face their charges. Another reason to incarcerate someone on pre-trial bail is public safety, but that will seldom be the case after December of this year.

At the very beginning of our four and half hour class, the DA's first words were "we will no longer call people who are arrested 'defendants.' After 1/1/2020 they will be known as 'principals' of the case." For the law officers in the room, it only went downhill from there.

Next year, when law enforcement makes an arrest, with few exceptions, the person arrested must be released on an appearance ticket. Further, the arresting officer must obtain from the arrested person three means of communication, such as a telephone number, e-mail address, or a relative's phone number in order to send a reminder of court appearances just in case the arrestee forgets to show up. The reminder calls and communications must take place before a judge can issue a bench warrant for missing a court date.

The new normal will soon be magistrates arraigning defendants (pardon, principals) only to release them on their own recognizance with few exceptions. A judge may hold people in jail for crimes such as murder, protection order violations, rape, and child pornography. However, such crimes as Manslaughter 2nd and illegal drug possession and sales – even Class 'A' felony drug charges – are mandatory release. Please, read that again so you understand the gravity.

A judge can also hold a person in jail for committing a Violent Felony, which is the type of crime where a bad person uses a weapon or causes injury during the act. Astonishingly, not included in the list of violent crimes is Burglary 2nd degree and Robbery 2nd degree. So everyone is clear, Burglary 2nd is when a person forcibly enters someone's home to commit a crime and Robbery 2nd is when a person forcibly steals from another person face-to-face.

In cases when a judge sets bail and the principal is released, the judge may impose restrictive conditions such as ankle monitoring, or require attendance at pre-trial monitoring services. Everyone should know in advance, Chenango County currently has no electronic ankle bracelets or any sort of human monitoring service organizations.

Long gone are the days when a sympathetic judge could do an impoverished person a favor by incarcerating them for 90 days in the cold winter months. For that same person to get "three hots and cot" the down-state liberals hope the soon-to-be-empty correctional facility might better be turned into a homeless shelter. This is not an exaggeration. Washington County, NY has implemented only some of these new criminal justice reforms and their jail population has shrunk by 50%.

Moving on to Part II are the new laws involving evidence. Starting in January, once a person is arraigned on any violation (including traffic), a misdemeanor or a felony the 15-day evidence clock starts ticking.

*(Continued top of next page)*

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Once a principal is arraigned, the DA's office has 15 days to supply the principal with the names and contact information for all people with anything relevant to the case, including arrest histories of any witnesses. Also within the 15-day limit, the DA must provide the principal all video footage from patrol cars, officer's body-worn cameras, retail store video systems, 9-1-1 recordings, and radio transmission recordings. One other very important item which falls into the 15-day time limit is laboratory examination results and reports. Not having lab results returned in a timely fashion almost certainly means many drug cases will be dismissed, maybe even DWI charges.

Here's an interesting item the DA and the police must also attempt to obtain for the defense of the principal; any digital recording of the incident including contact information of witnesses who made the recordings on their personal devices, i.e. the people who constantly record things on their cell phones whether they are involved or not.

The most intrusive new rule of evidence is the right of the defense attorneys and the principal, upon court order, to visit, inspect and record the crime scene. Imagine you've already been the victim of a crime and you learn that you must allow the accused person back onto your property in order to better build their defense. This is certainly being victimized twice, but particularly in crimes against people such as murder, rape, and assaults.

In reality, what does all of this mean? I predict traffic tickets and the revenue generated by their fines will drop precipitously. Obtaining convictions for low-level drug crimes will be difficult because of crime lab capacity to conduct evidence analysis within 15 days. Almost by design, the state has not increased the funding and personnel at police crime labs, which makes the inference the technicians will have to prioritize their workload by most serious cases first.

At the county level, the Public Defender's office is receiving a multi-million dollar defense grant supplied by the state to better defend their clients. Accepting this money will not put the county over the 2% Tax Cap. Even though the District Attorney's salary is paid by the state, it is local tax dollars that pay for the operations and staff of the DA's office. Funding the DA's office properly is going to require some thoughtful monetary decisions by the Board of Supervisors. Soon the DA will soon be fighting with both hands tied behind his back while buried in administrative tasks commenced by the well-funded Public Defender's office.

It is the cops who will probably take the brunt of the public's displeasure when the effects of the new laws reach outward and touch crime victims. It will appear the police are hesitant to arrest people. Here's an example using last week's vehicle chase out of the city into North Norwich during which the fleeing suspect's truck struck another vehicle. Had the run-away driver been caught at the end of this chase, he would probably be released on a ticket, even if he injured the innocent motorist he struck.

Law enforcement officers and members of the District Attorney's Office are all in this together. They are professionals and they will adapt and develop strategies to best protect the public using the cards dealt them. The public needs to be patient and tolerant of the laws which are designed to ensure the freedom of criminals. This is a newly charted territory for everyone.

All of this should be expected when one political party, dominated by the New York City liberals, hold all the legislative power. In their rush to pass these new laws, never once were prosecutors, law enforcement, or crime victims' advocates invited to the discussion. In reality, there was no discussion or legislative floor debate because like most laws in New York, these new laws were part of a budgetary process.



## **NYPD SERGEANT TELLS IT LIKE IT IS. DEPARTMENT FORCES HIM TO SURRENDER BADGE AND WEAPONS.**

***An NYPD sergeant was forced to turn over his weapons after he called a department head a 'bully'...***

When a veteran sergeant in the NYPD called out a department leader for giving him a bad review, he never expected to receive such a hefty punishment.

But according to a report from the NY Daily News, Sgt. Harold Gates was forced to turn over his guns, go through a psychiatric evaluation and was even bumped to the night shift.

For what? Reportedly calling his superior a "bully".

The documents obtained by the Daily News painted the picture of what really happened between Sgt. Gates and Deputy Inspector Tania Kinsella.

"You're the reason cops shoot themselves. You're the lowest of the low," Gates reportedly told Kinsella after she handed him down his lowest rating ever during an August review.

Gates had approached the Deputy Inspector at a Coney Island housing unit where the two worked in order to appeal the results of his review. Over the course of that altercation, Gates told Kinsella how upset he was.

Following the argument, Kinsella flagged Gates as 'at risk' for potentially self-harming, and promptly ordered him to visit a department psychiatrist in order to undergo a psychiatric evaluation. Additionally, he was forced to turn over his weapons, ID and shield as the admin cited his remarks as potential "suicidal ideation."

Days later, Gates was cleared by the mental health professional. They noted that "there are no psychological restrictions prohibiting [him] from carrying firearms," the report said.

Gates thought the whole thing was over. His guns were returned and he began working again. But just a week later, he was suddenly transferred to the graveyard shift, assigned to take over mid-nights in lower Manhattan.

The 42-year-old sergeant and union rep feels as though the change in assignment came as a slap in the face for his comments.

Gates has been an officer with the department for the last 13 years, racking up a list of 120 arrests while on patrol and overseeing thousands more while serving as a supervisor. Additionally he serves as a union representative.

The NYPD backed Kinsella's decision to refer Gates to a mental health counselor.

"When considering the fact patterns, in their entirety, the actions of Kinsella were well within the purview of her duties as a commanding officer and were appropriate," the department stated in an email.

NYPD Chief of Housing James Secreto agreed that the confrontation was inappropriate and that Gates should have absolutely faced pushback.

"A sergeant cannot go off on the deputy inspector without repercussions. I don't consider it a workplace dispute. We are a paramilitary organization," he said.

but others criticized Kinsella's move, saying the goal of the department should be providing positive reinforcement and support to their staff — not abusing power to punish someone over a personal vendetta.

"The idea of being a commander is to motivate in a positive manner production out of your subordinates," said former NYPD Chief of Patrol Wilbur Chapman.

The NYPD has been rocked by an increased trend of officers taking their own lives. Last week, Sgt. Linhong Li became the 10th officer within the department to commit suicide this year. Investigators are looking into allegations that he might have been the victim of bullying inside his precinct this year. Investigators are looking into allegations that he might have been the victim of bullying inside his precinct

# BOOSTERS

**Thank You**

## FOR YOUR HELP

Thank you to all our members and associate members for your contributions. The PBC 10-13 Club could not function without your continued support.

Andrade, James	\$25.00	11/19	Koota, Herb	\$30.00	05/20
Berardi, Joseph	\$30.00	03/20	Kriegsman, Stan	\$20.00	10/20
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Cuomo, Vincent	\$ 5.00	10/20	Saidel, Marc	\$30.00	06/20
Ferrara, Pete	\$35.00	01/20	Shanley, Louis	\$10.00	10/20
Haley, Vinny	\$20.00	04/20	Sullivan, Edward	\$15.00	11/20
Harvey, Jerome	\$50.00	11/19	Sullivan, Ray	\$10.00	11/19
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Hoerter, Linda	\$50.00	11/20	Yudenfreund, David	\$25.00	12/19
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# HEALTH AND WELFARE

## Death of Member

David Hennessey  
Husband of member  
Arlene Hennessey






## New Members

Arlene Hennessey  
Guy Van Noy

## Get Well Wishes:

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John Whelen  
Norm Rapport  
John Pesce  
Charlie Balsamo  
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DATE OF APPLICATION \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(APPLICANT)

FOR NEW MEMBERS

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(Print) (Signature)

**NOTE:** If any of your information (address, phone number, email, etc.) changes, please fill out this application and return it to the above address so we can update our records.

**\* ASSOCIATE MEMBERS:** List the Law Enforcement Agency from which you retired in the space provided for LAST CM'D Provide a copy of your Police ID.



**FOP Annual Holiday Gala Celebration**  
**Thursday, December 12th, 2019—6:00 TO 10:00 pm**  
**The Pavilion Grill**  
**301 East Yamato Road, Boca Raton, FL 33431**



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Andrew Curtis is an attorney whose practice concentrates in the areas of trusts, estates, and elder law. He is a graduate of some of the top universities in the country. He devotes his time to estate planning for the middle class, charging moderate fees, and then getting referrals from happy clients.

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## **Police unions ramp up campaign against CCRB ballot question**

Two city police unions on Tuesday amped up their campaigns against a November ballot question that would expand the powers of the Civilian Complaint Review Board, sending tweets and letters to members urging them to vote “no” on the measure.

“If these measures are approved, it will further exacerbate the incredibly restrictive environment in which our officers now find themselves enwrapped in,” Lieutenants Benevolent Association President Lou Turco wrote in a letter to his union’s members.

If green-lit by voters, the ballot question would expand the police-watchdog agency’s subpoena power and charge the board with investigating the truthfulness of officers’ statements.

It would also force the police commissioner — who has the final say in meting out punishment to cops — to provide a reason if he or she does not follow disciplinary recommendation issued by the board.

Turco slammed the agency for employing “predominantly naive, inexperienced and generally anti-law enforcement” staffers, and urged members to vote ‘no’ while encourage family and friends do likewise at the polls. “If you care about your fellow officers and the future of our job, you cannot afford to miss this vote.” In response to the unions’ campaigns, a CCRB spokesperson encouraged those wanting “more efficient, more transparent system” for police oversight to read up in the ballot question before the election. “This would be the perfect opportunity to stick a fork in any police officer,” a police source told The Post, adding that members have an “obvious animosity toward police officers.”

The source acknowledged, however, said the NYPD’s own lack of transparency has fueled calls for more oversight.

“More transparency, peeling back some of 50a, being able to monitor when cops get in trouble,” the source said, referring to an oft-invoked state law shielding the personnel records of police officers from public scrutiny. “You gotta give a little bit.”

The city’s largest cop union, the Police Benevolent Association, took a more public, blunt approach to its ballot question campaign. The union took to Twitter calling agency “outrageously dysfunctional.”

“Anti Police bias has infected CCRB.... If it can’t reign [sic] in its bias against police officers, should we be granting CCRB more \$\$/power?” the union wrote.

In addition to the expanded powers, the charter amendment would also tie the CCRB’s funding to the NYPD’s headcount and add two people to the review board.





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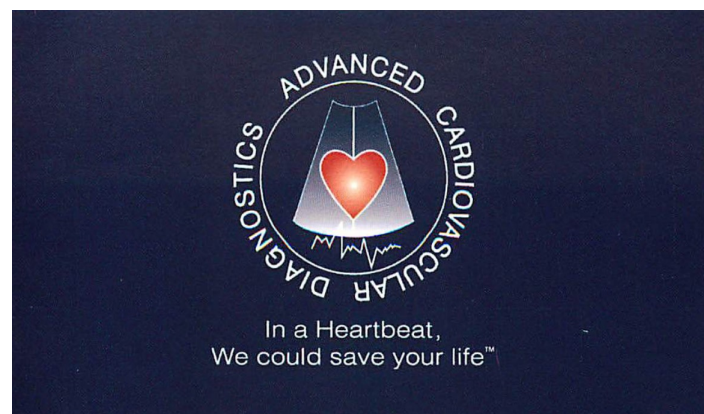
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## IN MEMORIAM



### Detective Dillon H. Stewart

New York City Police Department, New York  
End of Watch: Monday, November 28, 2005

ADD TO MY HEROES



Police Officer Dillon Stewart was shot and killed as he and his partner attempted to pull over a car.

Police Officer Stewart and his partner observed a vehicle go through a red light at the corner of Flatbush and Church Avenues in the East Flatbush section of Brooklyn. The driver of the vehicle, which displayed stolen New Jersey license plates on it, refused to stop. At one point, the police car pulled alongside the stolen vehicle on its passenger side.

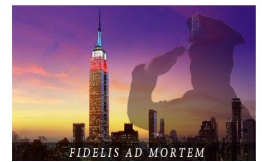
At that point, the suspect leaned over and began shooting. The suspect fired at least five times at the officers, shooting outside the passenger side window of his own car. One of the rounds struck Police Officer Stewart under his left arm and passed between the front and back panel of his bullet resistant vest and struck his heart.

Despite the wound, Police Officer Stewart continued the chase. The suspect sped to a basement garage on East 21st Street, about two blocks away. Two backup officers shot at the stolen vehicle as a mechanized metal gate at the garage entrance rolled down, but were unable to get into the garage before the gate closed. By the time they were able to gain entry into the garage, the suspect had escaped through a window.

The suspect was later identified as the perpetrator who shot and wounded an off-duty New York City Police Officer during a botched robbery attempted on November 19, 2005. He was charged with first degree murder for killing Police Officer Stewart, and attempted murder for the shooting of the off-duty officer. In October 2007 the suspect was convicted of first degree murder for killing Police Officer Stewart. In November 2007, the suspect was sentenced to life without the possibility of parole.

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