

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK
COUNTY OF KINGS

V

LUIS ORTIZ
LUIS ORTIZ

DETECTIVE KENNETH GIALLANZA SHIELD NO.5795, OF 90 COMMAND SAYS THAT ON OR ABOUT (1) JANUARY 31,2012 AT APPROXIMATELY 08:55 PM AT 370 BUSHWICK AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 265.03(3) CRIMINAL POSSESSION OF A WEAPON IN THE SECOND
DEGREE (DQO)
PL 120.25 RECKLESS ENDANGERMENT IN THE FIRST DEGREE (DQO)
PL 120.20 RECKLESS ENDANGERMENT IN THE SECOND DEGREE(DQO)

AND THAT, ON OR ABOUT (2) JANUARY 31,2012 AT APPROXIMATELY 08:59 PM AT 370 BUSHWICK AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 110/125.25(1) ATTEMPTED MURDER IN THE SECOND DEGREE (DQO)
PL 110/125.27(1)(A)(I) ATTEMPTED MURDER IN THE FIRST DEGREE (DQO)
PL 120.10(1) ASSAULT IN THE FIRST DEGREE (DQO)
PL 120.10(4) ASSAULT IN THE FIRST DEGREE (DQO)
PL 120.11 AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A PEACE
OFFICER (DQO)
PL 120.08 ASSAULT ON A PEACE OFFICER, POLICE OFFICER, FIREMAN
OR EMERGENCY MEDICAL SERVICES PROFESSIONAL (DQO)
PL 265.03(1)(B) CRIMINAL POSSESSION OF A WEAPON IN THE SECOND
DEGREE (DQO)
PL 265.03(3) CRIMINAL POSSESSION OF A WEAPON IN THE SECOND
DEGREE (DQO)
PL 120.05(3) ASSAULT IN THE SECOND DEGREE (DQO)
PL 120.18 MENACING OF A POLICE OR PEACE OFFICER (3 COUNTS)

IN THAT THE DEFENDANT DID:

RECKLESSLY ENGAGE IN CONDUCT WHICH CREATED A SUBSTANTIAL RISK OF SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; RECKLESSLY ENGAGE IN CONDUCT WHICH CREATED A GRAVE RISK OF DEATH TO ANOTHER PERSON; POSSESS ANY LOADED FIREARM AND THAT SUCH POSSESSION DID NOT TAKE PLACE IN DEFENDANT'S HOME OR PLACE OF BUSINESS;; WITH INTENT TO PREVENT A PEACE OFFICER, POLICE OFFICER, REGISTERED NURSE, LICENSED PRACTICAL NURSE,SANITATION ENFORCEMENT AGENT, FIREFIGHTER, INCLUDING A FIREFIGHTER ACTING AS A PARAMEDIC OR EMERGENCY MEDICAL TECHNICIAN ADMINISTERING FIRST AID IN THE COURSE OF PERFORMANCE OF DUTY AS SUCH FIREFIGHTER, AN EMERGENCY SERVICE PARAMEDIC, OR EMERGENCY MEDICAL SERVICE TECHNICIAN OR MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT, A CITY MARSHAL, A TRAFFIC ENFORCEMENT OFFICER, OR TRAFFIC ENFORCEMENT AGENT, FROM PERFORMING A LAWFUL DUTY, BY MEANS INCLUDING RELEASING OR FAILING TO CONTROL AN ANIMAL UNDER CIRCUMSTANCES EVINCING THE ACTOR'S INTENT THAT THE ANIMAL OBSTRUCT THE LAWFUL ACTIVITY OF SUCH PEACE OFFICER, POLICE OFFICER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, SANITATION ENFORCEMENT AGENT, FIREFIGHTER, PARAMEDIC, TECHNICIAN, CITY MARSHAL, TRAFFIC ENFORCEMENT OFFICER OR TRAFFIC ENFORCEMENT AGENT, HE OR SHE DID CAUSE PHYSICAL INJURY TO SUCH PEACE OFFICER, POLICE OFFICER, SANITATION ENFORCEMENT AGENT, FIREFIGHTER, PARAMEDIC, TECHNICIAN OR MEDICAL OR

RELATED PERSONNEL IN A HOSPITAL OR EMERGENCY DEPARTMENT, CITY MARSHAL, TRAFFIC ENFORCEMENT OFFICER OR TRAFFIC ENFORCEMENT AGENT;; WITH INTENT TO PREVENT A PEACE OFFICER, POLICE OFFICER, FIREMAN, INCLUDING A FIREMAN ACTING AS A PARAMEDIC OR EMERGENCY MEDICAL TECHNICIAN ADMINISTERING FIRST AID IN THE COURSE OF PERFORMANCE OF DUTY AS SUCH FIREMAN, OR AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN FROM PERFORMING A LAWFUL DUTY, CAUSE SERIOUS PHYSICAL INJURY TO SUCH PEACE OFFICER, POLICE OFFICER, FIREMAN, PARAMEDIC OR TECHNICIAN; WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER PERSON, CAUSE SUCH INJURY TO SUCH PERSON OR TO A THIRD PERSON BY MEANS OF A DEADLY WEAPON OR A DANGEROUS INSTRUMENT; IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OF A FELONY OR OF IMMEDIATE FLIGHT THEREFROM, HE, OR ANOTHER PARTICIPANT IF THERE BY ANY, CAUSED SERIOUS PHYSICAL INJURY TO A PERSON OTHER THAN ONE OF THE PARTICIPANTS; WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A PERSON WHOM HE KNOWS OR REASONABLY SHOULD KNOW TO BE A POLICE OFFICER OR A PEACE OFFICER ENGAGED IN THE COURSE OF PERFORMING HIS OFFICIAL DUTIES, CAUSE SUCH INJURY BY MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT; INTENTIONALLY PLACE OR ATTEMPT TO PLACE A POLICE OFFICER OR PEACE OFFICER IN REASONABLE FEAR OF PHYSICAL INJURY, SERIOUS PHYSICAL INJURY OR DEATH BY DISPLAYING A DEADLY WEAPON, KNIFE, PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM, WHETHER OPERABLE OR NOT, WHERE SUCH OFFICER WAS IN THE COURSE OF PERFORMING HIS OR HER OFFICIAL DUTIES AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT SUCH VICTIM WAS A POLICE OFFICER OR PEACE OFFICER; WITH INTENT TO CAUSE THE DEATH OF ANOTHER PERSON, CAUSE THE DEATH OF SUCH PERSON OR OF A THIRD PERSON; WITH INTENT TO CAUSE THE DEATH OF ANOTHER PERSON, CAUSE THE DEATH OF SUCH PERSON OR OF A THIRD PERSON AND THE INTENDED VICTIM WAS A POLICE OFFICER AS DEFINED IN SUBDIVISION 34 OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW WHO WAS AT THE TIME OF THE KILLING ENGAGED IN THE COURSE OF PERFORMING HIS OFFICIAL DUTIES, AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS A POLICE OFFICER AND THE DEFENDANT WAS MORE THAN EIGHTEEN YEARS OLD AT THE TIME OF THE COMMISSION OF THE CRIME; WITH INTENT TO USE UNLAWFULLY AGAINST ANOTHER, POSSESS A LOADED FIREARM.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT STATES THAT DEPONENT STATES THAT 370 BUSHWICK AVENUE IS AN APARTMENT BUILDING WHERE PEOPLE LIVE.

DEPONENT FURTHER STATES THAT DEPONENT REVIEWED THE SURVEILLANCE VIDEO FROM THE FIRST ABOVE TIME AND PLACE, AND THE DEPONENT OBSERVED DEFENDANT WALKING TO SAID BUILDING HOLDING A HANDGUN IN DEFENDANT'S HAND AND DEFENDANT ENTER THE LOBBY OF THE BUILDING.

DEPONENT FURTHER STATES THAT DEPONENT OBSERVED THAT DEFENDANT AND A PERSON KNOWN TO THE NEW YORK CITY POLICE DEPARTMENT AND TO THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE ARGUED THEREIN AND THAT SAID PERSON RAN AWAY.

DEPONENT IS FURTHER INFORMED BY THE ABOVE MENTIONED PERSON KNOWN TO THE NEW YORK CITY POLICE DEPARTMENT AND TO THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE, THAT AT THE FIRST ABOVE TIME AND PLACE, THE INFORMANT AND THE DEFENDANT MET IN THE LOBBY OF THE ABOVE LOCATION AND THEY ARGUED, THAT THE INFORMANT RAN AWAY AND HEARD A GUNSHOT FIRED.

DEPONENT IS INFORMED BY POLICE OFFICER MICHAEL BURBRIDGE, SHIELD NUMBER 15488 OF THE 90 PRECINCT, THAT AT THE SECOND ABOVE TIME AND PLACE, THE INFORMANT, POLICE OFFICER KEVIN BRENNAN, SHIELD NUMBER 3287, AND POLICE OFFICER MASTOROS, SHIELD NUMBER 14867, WERE IN PLAIN CLOTHES AND UNMARKED VEHICLE, AND RESPONDED TO A RADIO RUN OF SHOTS FIRED THAT OCCURRED AT THE FIRST ABOVE MENTIONED TIME AND PLACE, AND THAT AS THE INFORMANT'S VEHICLE APPROACHED THE DEFENDANT, THE DEFENDANT STARTED RUNNING AWAY AND POINTED A HANDGUN AT THE OFFICERS.

DEPONENT IS INFORMED BY TWO OTHER PERSONS KNOWN TO THE NEW YORK CITY POLICE DEPARTMENT AND TO THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE, THAT AT APPROXIMATELY ABOUT THE ABOVE TIME, THE INFORMANT OBSERVED DEFENDANT RUNNING PURSUED BY A PLAIN CLOTHES POLICE OFFICER WHO WAS SHOUTING IN SUBSTANCE: POLICE, STOP, FREEZE, AND THAT DEFENDANT ENTERED THE BUILDING AT 370 BUSHWICK AVENUE, FOLLOWED BY SAID POLICE OFFICER.

DEPONENT FURTHER STATES THAT DEPONENT REVIEWED THE SURVEILLANCE VIDEO FROM THE SECOND ABOVE TIME AND PLACE AND DEPONENT OBSERVED DEFENDANT AND POLICE OFFICER BRENNAN ENTER THE LOBBY OF 370 BUSHWICK AVENUE, THAT THE DEPONENT OBSERVED A HANDGUN IN DEFENDANT'S HAND, THAT POLICE OFFICER BRENNAN TACKLED DEFENDANT AND STRUGGLED WITH DEFENDANT ON THE FLOOR, AND SUDDENLY POLICE OFFICER BRENNAN'S BODY WENT LIMP AND MOTIONLESS, THE DEFENDANT CLIMBED FROM UNDER POLICE OFFICER BRENNAN'S BODY AND RAN AWAY.

DEPONENT IS FURTHER INFORMED BY FORTH PERSON KNOWN TO THE NEW YORK CITY POLICE DEPARTMENT AND TO THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE, THAT AT THE SECOND ABOVE TIME AND PLACE THE INFORMANT HEARD A GUNSHOT AND SECONDS LATER OBSERVED DEFENDANT RUNNING FROM SAID LOCATION.

DEPONENT IS FURTHER INFORMANT BY POLICE OFFICER BURBRIDGE THAT SHORTLY THEREAFTER THE INFORMANT OBSERVED POLICE OFFICER BRENNAN LYING ON GROUND IN A POOL OF BLOOD WITH A GUNSHOT WOUND TO THE HEAD.

DEPONENT FURTHER STATES THAT POLICE OFFICER BRENNAN WAS ADMITTED TO A LOCAL HOSPITAL WITH A GUNSHOT WOUND TO THE HEAD AND FRACTURED SKULL.

DEPONENT FURTHER STATES THAT DEPONENT IS INFORMED BY DEFENDANT'S OWN STATEMENTS THAT DEFENDANT'S DATE OF BIRTH IS FEBRUARY 11, 1990.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT
TO SECTION 210.45 OF THE PENAL LAW.

DATE

SIGNATURE