



Office of the New York State Attorney General Letitia James

Office of Special Investigation

August 20, 2026

Report on the Investigation of the Death of Carl Slone

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) directs the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a peace officer, as defined. When, as in this case, OSI does not seek charges against the officer, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation of the death of Carl Slone.

At 3:16 p.m. on January 9, 2026, off-duty Erie County Sheriff's Office (ECSO) Deputy Sean Davis was driving his personal truck when he made a left turn from a parking lot onto Elmwood Avenue in the City of Buffalo and struck Mr. Slone as he was walking west across Elmwood Avenue. Mr. Slone was transported to Erie County Medical Center (ECMC), where he died of his injuries at 12:40 a.m. on January 10, 2026.

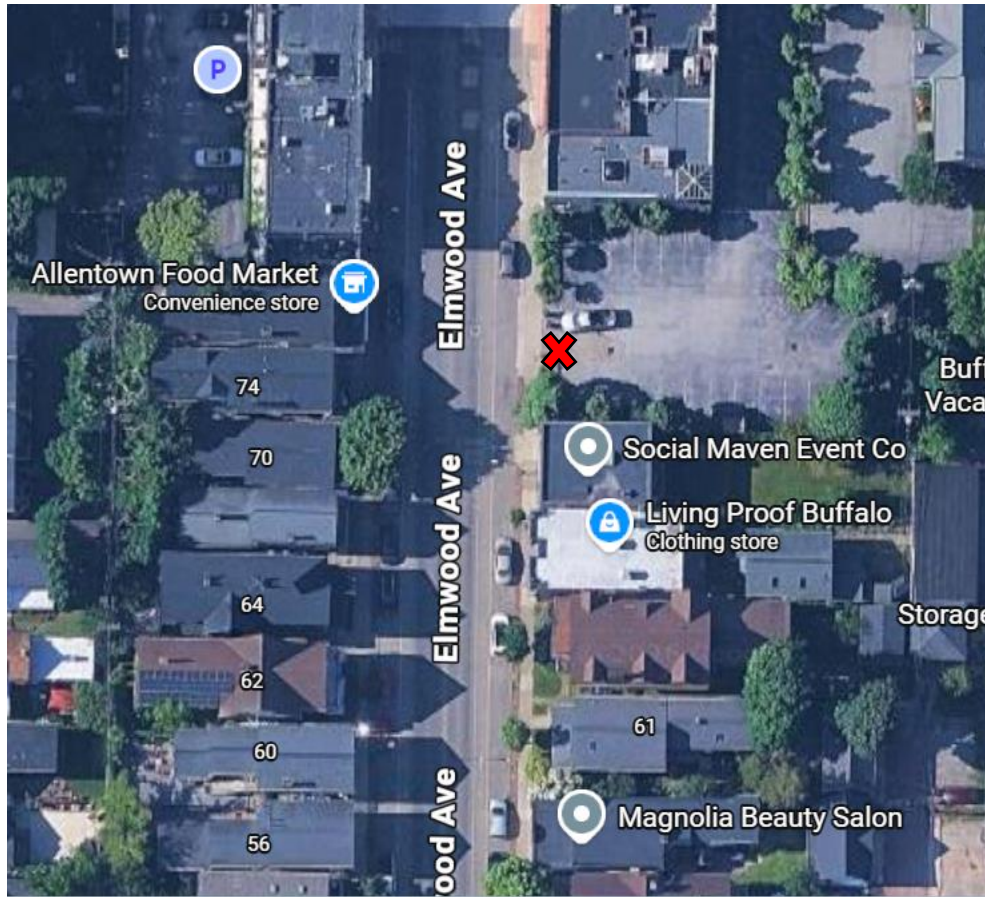
Mr. Slone was 82 years old when he died.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt at trial that Deputy Davis committed a crime when he caused Mr. Stone's death and, therefore, will not seek charges and closes the matter with this report.

FACTS

The Scene

Elmwood Avenue runs in a north/south direction through the City of Buffalo. In the block between Allen Street and Virginia Street, where this incident occurred, Elmwood Avenue has two lanes. This incident occurred in the southbound lane of Elmwood Avenue, near 74 Elmwood Avenue. A map of the area is below:



Google Maps image showing area of Elmwood Avenue where collision occurred; parking lot Dep. Davis was exiting when he struck Mr. Slone marked with a red "X"

The posted speed limit on Elmwood Avenue where the incident occurred is 30 miles per hour.

On January 9, 2026, it was 44 degrees Fahrenheit, skies were clear, and the road was wet but without snow or ice. Fixed security cameras at 56, 74, and 84 Elmwood Avenue captured the incident. A compilation video of this footage is linked here: [incident](#).

OSI obtained and reviewed fixed security camera footage from Elmwood Avenue, City of Buffalo camera footage, body-worn camera (BWC) footage from responding officers, Buffalo Police Department (BPD) reports, and interviewed civilian witnesses to the incident.

Collision

According to footage from fixed security cameras on Elmwood Avenue, at 3:16:23 p.m. on January 9, 2026, Deputy Sean Davis was driving his personal vehicle, a 2022 Toyota Tundra pickup truck, and was exiting a parking lot near 76 Elmwood Avenue. After traffic cleared, Deputy Davis turned left (southbound) onto Elmwood Avenue. At 3:16:25 p.m., Mr. Slone crossed the street near 74 Elmwood Avenue, from east to west, and as he neared the yellow

double lines, Deputy Davis struck Mr. Slone at 3:16:27 p.m. There was no marked crosswalk where Mr. Slone crossed the street.



Still image from security camera on Elmwood Avenue, facing south



Still images from security camera on Elmwood Avenue, facing north

Post-Collision Events

According to BWC [footage](#), at 3:21:00 p.m., BPD Officer Zachary Morin arrived at the collision scene; Deputy Davis and a woman were attending to Mr. Slone, who was alert and lying on the ground with blood coming from his head. Deputy Davis and the woman told Officer Morin

that Mr. Slone walked right into the car. At 3:21 p.m. Officer Morin called for an ambulance and a BPD supervisor to come to the scene. At 3:27 p.m. BPD Officer Marquest Castillo spoke with Deputy Davis. Deputy Davis said that he drove out of the parking lot and when he got to the middle of the street, Mr. Slone appeared in front of him, and he did not have time to stop. Deputy Davis said that he drove about five miles per hour and reiterated that Mr. Slone suddenly appeared in front of his pickup truck before he struck him.

According to ambulance records, at 3:25 p.m. AMR Ambulance Paramedic Dylan Prahovic and Emergency Medical Technician Chelsea Gray arrived and transported Mr. Slone to Erie County Medical Center at 3:52:07 p.m. According to hospital records, on January 10, 2026, at 12:40 a.m., Dr. Scott Martin pronounced Mr. Slone dead.

Officer Interview

On January 9, 2026, Deputy Davis provided a written statement to BPD Officer Sara Keaton. Deputy Davis said the following:

He pulled out of the Towne Restaurant parking lot onto Elmwood Avenue. As he completed a left turn, a pedestrian ran into the street and into his truck. He stopped as fast as he could and the pedestrian hit the ground. He immediately got out of his truck and dialed 911 for assistance. He told the pedestrian to lie still and that help was on the way. BPD and Fire arrived and took control of the situation.

Deputy Davis denied using his cell phone at the time of the collision and denied consuming any alcohol or drugs that day. In her report, Officer Keaton noted that Deputy Davis showed no signs of intoxication or impairment.

Based on OSI's investigation, Deputy Davis worked at the Erie County Holding Center on January 9, 2026, prior to the collision; his shift ended at 3:00 p.m.

Civilian Witness (CW) Interviews

CW1

On March 25, 2026, OSI interviewed CW1 (OSI does not publish the names of civilian witnesses). CW1 said that on January 9, 2026, she was driving northbound on Elmwood Avenue and saw the pickup truck trying to enter the road from a parking lot. CW1 said that she allowed the pickup truck to pull in front of her car on Elmwood Avenue. CW1 said that she saw a man walk between parked cars and into the pickup. CW1 said that she and the pickup truck driver got out of their vehicles and attended to the man who was lying on the ground. CW1 said that the pickup truck driver dialed 911 and they both told the man to remain still. CW1 said that BPD and emergency services personnel arrived, CW1 said that she believed

that the pickup truck driver did not see the man in his path. CW1 said that she did not see the pickup truck driver using a cell phone.

CW2

On April 9, 2026, OSI interviewed CW2. CW2 said that on January 9, 2026, he was driving a Niagara Frontier Transportation Authority bus southbound on Elmwood Avenue when he saw a black pickup truck make a left turn in front of the bus. CW2 said that he heard a bus passenger say that a man was lying in the street. CW2 said that he saw a man lying on the double yellow lines. CW2 said that he reported the incident to bus dispatch and parked the bus. CW2 said that he saw the pickup truck driver and a woman in a car that had been going northbound get out and attended to the man. CW2 said that he did not see anything unusual prior to seeing the man on the ground.

Autopsy

An autopsy was not performed at the request of Mr. Slone's family. On January 10, 2026, Dr. Alexandra Hart, forensic pathologist with the Erie County Medical Examiner's Office, certified that the cause of Mr. Slone's death was blunt force injury to the head which resulted from a car/pedestrian collision, and she deemed the manner of death to be accident.

Collision Reconstruction

On February 2, 2026, BPD Officer Jason Heidinger of the Accident Investigation Unit (AIU), published a report about the collision between Deputy Davis and Mr. Slone. Through security video footage, review of the scene, and civilian interviews, Officer Heidinger found that Deputy Davis while driving a 2022 Toyota Tundra slowly inched out of a parking lot associated with the previously operated Towne Restaurant onto Elmwood Avenue. Officer Heidinger noted that there were vehicles parked along the east side curb of Elmwood Avenue, just south of the parking lot which limited Deputy Davis's view of northbound traffic. When Deputy Davis made the left turn, southbound onto Elmwood Avenue, he struck and knocked down Mr. Slone, who was crossing the street where no traffic control device or pedestrian crosswalks were present. Mr. Slone struck his head on the roadway, which caused injury to his head.

Officer Heidinger inspected Deputy Davis's pickup truck and found no visible signs of damage or scratches on the hood and/or front bumper area, as depicted in the photographs below.



Photograph of Deputy Davis's truck, taken at the scene



Photograph of Deputy Davis's truck, taken at the scene.



Photograph of Deputy Davis's truck, taken at the scene.



Photograph of Deputy Davis's truck, taken at the scene.

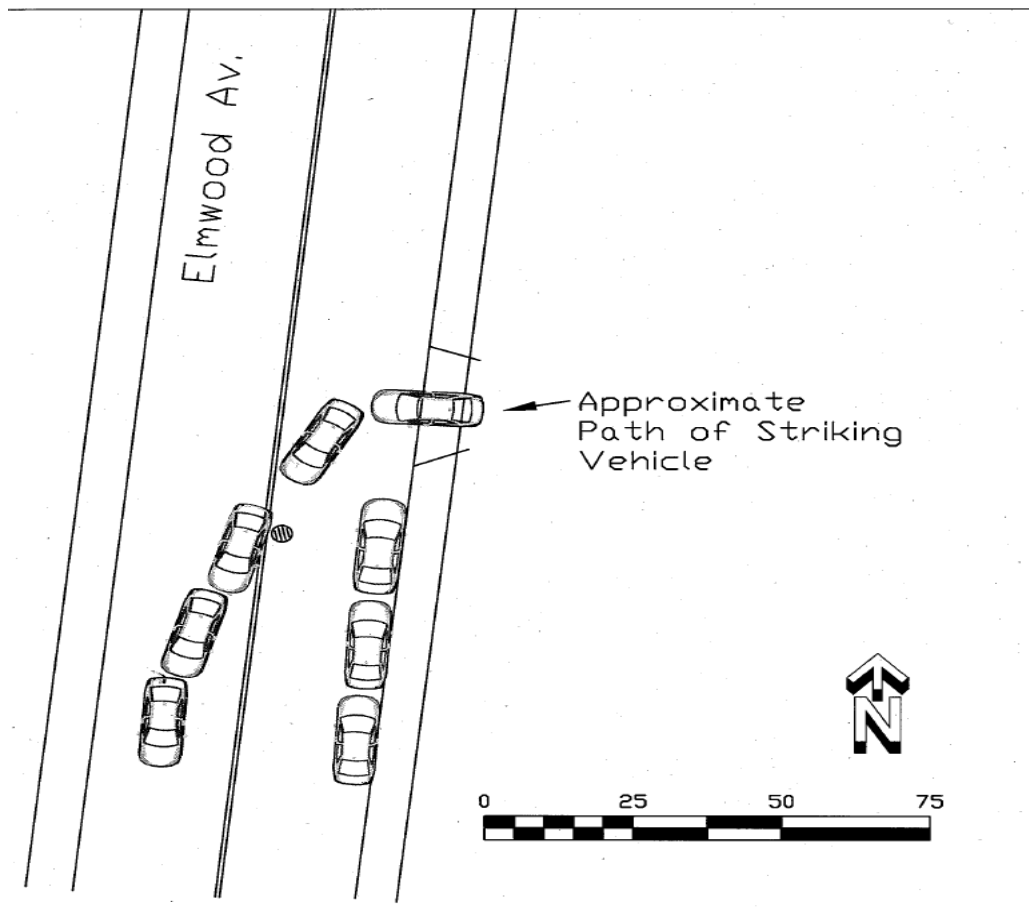


Diagram of the incident scene, taken from the AIU report; black dot indicates location of Mr. Slone after impact.

LEGAL ANALYSIS

Under Penal Law Section 125.10, “a person is guilty of criminally negligent homicide when, with criminal negligence, he or she causes the death of another person.” A person acts with criminal negligence, pursuant to Penal Law Section 15.05(4), “with respect to a result or circumstance ... when [that person] fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.”

In *People v Boutin* (75 NY2d 692, 696 [1990]), the Court of Appeals interpreted the statutory definition of criminal negligence and made clear that the mere “failure to perceive a substantial and unjustifiable risk” is insufficient to establish culpability. Instead, “criminally negligent homicide requires not only a failure to perceive a risk of death, but also some serious blameworthiness in the conduct that caused it.” Therefore, unless a defendant has engaged

in blameworthy conduct creating or contributing to the substantial and unjustifiable risk of death, there will be no criminal culpability (*Id.*). Stated differently, “nonperception of a risk, even if death results, is not enough,” to establish criminal negligence (*Id.*).

Applying that standard to this case, OSI would need to prove that Deputy Davis’s conduct was so serious and so blameworthy that it created a substantial and unjustifiable risk that people would die because of it, and that he failed to perceive that risk. Based on all the facts and circumstances, OSI would be unable to prove that Deputy Davis engaged in any blameworthy conduct or operated the car improperly.

Here, there is no evidence that Deputy Davis engaged in any *risk creating* conduct prior to the collision. The evidence shows that, prior to the collision, he slowly entered the roadway after making sure that traffic cleared in both directions. There is no evidence that Deputy Davis recklessly entered the roadway.

In addition, there is no evidence that Deputy Davis was distracted at the time of the collision. As noted in the AIU report, Mr. Slone did not cross at a crosswalk or at a traffic control device at the time of the collision. There is no evidence that Deputy Davis used a cell phone that distracted him to the extent that it contributed to the cause of the collision. There is also no evidence that Deputy Davis was intoxicated or under the influence of drugs or alcohol.

For these reasons, OSI concludes that a prosecutor at trial would not be able to prove beyond a reasonable doubt that Deputy Davis committed a crime. Therefore, OSI will not seek charges against him and closes the matter with this report.

Dated: August 20, 2026