



*Office of the New York State Attorney General Letitia James*

Office of Special Investigation

December 11, 2024

# Report on the Investigation into the Death of Christopher Murphy

## INTRODUCTION

New York Executive Law Section 70-b (Section 70-b) authorizes 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. When OSI does not seek charges, as in this case, Section 70-b requires issuance of a public report. This is OSI's report on the death of Christopher Murphy, which was caused by Police Officers Michael Jensen and John Canestrare of the Syracuse Police Department (SPD) on April 14, 2024, in Onondaga County.

## OVERVIEW

On April 14, 2024, officers from the Onondaga County Sheriff's Office (OCSO) and SPD went to the home of Christopher Murphy while investigating a traffic incident that involved a Honda Civic registered to him. Officers saw the Civic in Mr. Murphy's driveway and, when they looked through a rear window, saw two high-capacity ammunition clips on the back seat. Officers soon heard what sounded like a firearm being racked inside Mr. Murphy's house, so they quickly moved from the driveway and took cover.

Four SPD officers, including Officer Jensen, moved behind their patrol vehicles, which were parked on the street in front of Mr. Murphy's house. OCSO Lieutenant Michael Hoosock moved to the back yard of an adjacent property to watch the rear of Mr. Murphy's house.

As shown on Lt. Hoosock's body worn camera (BWC), at 8:48:14 p.m. Mr. Murphy stepped onto a patio deck on the back of his house and began shooting at Lt. Hoosock, firing multiple shots in rapid succession from an AM-15 semiautomatic rifle, which is manufactured by Anderson Manufacturing (AM) to military specifications. Although Lt. Hoosock tried to take cover behind a tree, Mr. Murphy shot him twice, striking him in the head both times. Lt. Hoosock never fired his weapon.

As shown on Officer Jensen's BWC, at 8:49:58 p.m., after a minute and a half of silence, Mr. Murphy suddenly appeared from around Officer Jensen's SUV and fired multiple shots at him with the AM-15 rifle. Officer Jensen attempted to move away while returning fire, but Mr. Murphy shot him in the chest.

Mr. Murphy ran across the street and continued shooting at Officer Jensen. Officer Canestrare fired at Mr. Murphy, who fell but continued shooting, so Officer Canestrare continued to fire. When the shooting ended, SPD officers handcuffed Mr. Murphy and took the AM-15 rifle from him.

Mr. Murphy, Officer Jensen, and Lt. Hoosock were transported by ambulance to Upstate University Hospital in Syracuse, and each was pronounced dead that evening.

Based on its investigation, OSI concludes that Officer Canestrare should not be charged with a crime, because a prosecutor would not be able to disprove beyond a reasonable doubt that his actions were justified under Article 35 of the Penal Law, and closes the case with this report.

## **FACTS**

### **Before the Incident**

The facts in this section are based on Onondaga County 911 Communication Control Center (Onondaga 911) records, including Incident Summary reports and radio transmissions.

On April 14, 2024, at 7:07 p.m., Officer Jensen and SPD Officer James Zollo were on patrol in a marked unit when they saw a driver in a gray, four-door, 2023 Honda Civic commit traffic infractions on Hamilton Street in the City of Syracuse. When they activated their emergency lights and sirens, the Civic sped away. The officers notified control they were terminating pursuit because of the Civic's excessive speed, advising that the car was traveling at an estimated speed of 100 mph on Hiawatha Boulevard, a busy road that borders the Destiny USA shopping mall (Destiny).

Officers Jensen and Zollo returned to the Public Safety Building (PSB), SPD's primary station, to review video from nearby security cameras to identify the Civic. Another SPD unit soon advised that they saw the Civic leave the Destiny parking lot around 7:09 p.m., so Officers Jensen and Zollo responded to Destiny to review video from their security cameras.

Officers Jensen and Zollo quickly identified the Civic's license plate number and determined that it was registered to Christopher Murphy, at 4945 Darien Drive in the Village of Liverpool, in the Town of Salina.

Since Mr. Murphy's address was outside of the City of Syracuse, Office Jensen asked control to have an OCSO unit go to the address to see if the Civic was there. OCSO Lt. Michael Hoosock advised control that he could respond, and control dispatched him to 4945 Darien Drive at 8:18 p.m.

### **Mr. Murphy's House**

On April 14, 2024, Mr. Murphy lived at a single-family, two-story house at 4945 Darien Drive, Liverpool. Darien Drive runs east-west, and the house was on the north side of the street. There was a raised patio deck on the back of the house, accessible from the first floor by a sliding glass door. There was a paved driveway on the eastern edge of the front yard. There were no streetlamps, but at the time of the incident there was some ambient lighting from porch and garage lights on the houses on the street.



The photo above shows Mr. Murphy's house (#4945) the morning after the shooting, with his Honda Civic (circled) in the driveway.

## Incident

### Lt. Michael Hoosock

The facts in this section, including the times, are based on Lt. Hoosock's BWC.

Lt. Hoosock arrived at 4945 Darien Drive at 8:23 p.m. He drove past the house, turned around, and parked in front of the house two doors down to the right (#4953) as one faces the houses. At 8:24:21 p.m. Lt. Hoosock advised control that the Civic was at Mr. Murphy's house and said he would call SPD to inform them. (The Onondaga County 911 "Event Information" Report indicates that Officers Jensen and Zollo left the PSB and headed to Darien Drive at 8:31 p.m.) Lt. Hoosock remained in his SUV until SPD units arrived. He stepped out of his car at 8:44:50 p.m. and walked toward Mr. Murphy's house. When he reached the driveway of 4949 Darien Drive, the house next door to Mr. Murphy's, he suddenly moved from the street and ran toward the attached garage of the next-door house, taking a position at the southeast corner of that house.

At 8:45:22 p.m., Lt. Hoosock radioed, "L2. It sounds like we have someone racking a firearm here, over on Darien. Start a couple more cars please." Control responded, "Copy. Units hold the air." Lt. Hoosock called out to the SPD officers in front of Mr. Murphy's house and asked, "Was that a rack?" An unknown SPD officer said, "Yeah."

Lt. Hoosock walked alongside the garage toward the rear of the next-door house. When he reached the northeast corner of the garage, he drew his gun. He opened a metal gate and stepped into the back yard. He was alone.

While shining his flashlight toward Mr. Murphy's house, Lt. Hoosock walked toward a raised patio deck at the rear of the next-door house. When he reached the northeast corner of the deck, he radioed control and said, "Lt. Let's take this to County Channel 1" (a channel SPD and OCSO use when working together). He also said, "I have the back of the house for now." At 8:46:24 p.m. Control radioed, "All units on Darien Drive, switch over to Channel 1. Channel 1 is now being used for the Darien Drive call in Salina."

Moments later, Lt. Hoosock radioed OCSO Deputy Adam Bezek, whose BWC showed he had arrived on scene at 8:30 p.m., stating, "Was I correct in that, hearing a firearm rack?" Several seconds later, Dep. Bezek stated, "Yeah, it sounded like that. Yeah. You got eyes on the back?" Lt. Hoosock said, "I can only see the three-four side [meaning the rear and right sides of Mr. Murphy's house]. I got a deck with a sliding door. I cannot see the two side [the left side], so we need someone over there." Dep. Bezek stated, "All right, myself and Barnaba [OCSO Deputy Jacob Barnaba] are going to take the two-three side," meaning the left and rear sides of Mr. Murphy's house; Dep. Bezek's BWC showed that he and Dep. Barnaba were in the driveway of 4537 Darien Drive. Lt. Hoosock said, "Copy that."

At 8:47:17 p.m., Lt. Hoosock radioed, "I was approaching from this side, so I didn't actually see a firearm. I just heard what sounded like it rack. Did you guys actually see a weapon, or just also hear it?" Dep. Bezek stated, "No, we just heard it." Lt. Hoosock said, "Received. And SPD was looking in the cars. Did they say something about live rounds?" Dep. Bezek stated, "I believe so, I wasn't that close enough to hear exactly what they said, but I believe they were indicating there were live rounds in the backseat." Lt. Hoosock said, "Copy."

Lt. Hoosock momentarily pointed his flashlight toward the back yard of 4949 Darien Drive and quickly resumed shining it at Mr. Murphy's house. At that moment, Dep. Bezek stated, "You see us running here?" At 8:47:58 p.m., Lt. Hoosock said, "I see ya."



*The image above, taken from Lt. Hoosock's BWC, shows his view of the Murphy house as he stood at the northeast corner of the patio deck next door. He had a clear line of sight to the back deck and the sliding glass door (circled) on the back of Mr. Murphy's house.*

At 8:48:09 p.m., Lt. Hoosock suddenly moved from his position near the patio deck and ran to a tree in the back yard of the next-door house. As soon as he reached the tree, beginning at 8:48:13 p.m., his BWC captured the sound of rapid gunfire, seven shots in quick succession. There was a two second pause, followed by two more gunshots. Lt. Hoosock radioed, "Shots fired. Shots fired." A few seconds later, at 8:49:22 p.m., three more gunshots were fired. There was a single gunshot several seconds after that, at 8:48:28. Lt. Hoosock yelled, "Stay inside" to an unknown person. After a sustained pause, two more shots were fired at 8:48:34 p.m. Still positioned behind the tree, Lt. Hoosock radioed and said, "L2. They're close." At 8:48:38 p.m., four more shots were fired in rapid succession. Lt. Hoosock fell to the ground, injured and bleeding. As he landed on the ground, a final single gunshot was fired at 8:48:42 p.m. Lt. Hoosock slowly changed position over the next several seconds, seeming to roll to his back. Lt. Hoosock was fatally injured; he stopped moving at 8:49:10 p.m.

Although Lt. Hoosock had his service weapon in hand, later testing showed he never fired it. His BWC kept recording and showed that officers took him from the back yard at 9:19 p.m.



*The image above shows the northern side of Mr. Murphy's house (#4945) and the house next door (#4949). At 8:48:09 p.m., Lt. Hoosock moved from his position near the corner of the deck of the house next door (circled in red) and ran into the back yard where he took cover behind a tree (circled in yellow). The sliding door on Mr. Murphy's deck is circled in orange.*

#### Dep. Adam Bezek

The facts in this section, including the times, are based on Dep. Bezek's BWC.

Dep. Bezek and Dep. Barnaba arrived at Darien Drive, prior to the SPD units, in separate marked patrol SUVs, which they parked one house west of Mr. Murphy's residence, on the opposite side of the street. When the SPD units arrived, the deputies stepped out of their cars and walked toward 4945 Darien Drive. At 8:45:20 p.m., just as they reached the western edge of Mr. Murphy's front yard, they quickly moved back and crouched beside a vehicle in the driveway of 4941 Darien Drive. The deputies drew their guns. As described above, Dep. Bezek and Lt. Hoosock coordinated coverage of Mr. Murphy's house over the radio.

At 8:47:13 p.m., Dep. Bezek and Dep. Barnaba left their covered position in the driveway of 4941 Darien Drive, walked between houses, and took positions behind the house at 4937 Darien Drive, where they could see the left and rear sides of Mr. Murphy's house. Dep. Bezek was closer to the house at 4937, and Dep. Barnaba was in the back yard. Dep. Barnaba briefly shined his flashlight on a shed in the back yard and, at 8:47:44 p.m., said, "Hey, we can get cover at the shed. Get a better view of the corner of the guy's house." Dep. Barnaba moved

next to the shed while Dep. Bezek stayed near the house. Dep. Bezek radioed Lt. Hoosock, “Do you see us running here?” Lt. Hoosock radioed, “I see ya.”

At 8:48:09 p.m. Dep. Bezek’s BWC showed Lt. Hoosock’s flashlight as Lt. Hoosock moved across the back yard of 4949 Darien Drive and stopped at a tree. Dep. Bezek told Dep. Barnabas, “Stay right there,” and, at that moment, his BWC captured the sound of gunshots in rapid succession. After the initial volley, there were two shots, followed closely by a three shots. After a momentary pause, there was a single shot and then two more shots. After a few seconds, there were four shots in a row, followed quickly by a single shot. The gunfire began at 8:48:13 p.m. and ended at 8:48:42 p.m.



*The image above, taken from Dep. Bezek’s BWC, shows Lt. Hoosock’s position (circled) at or near the tree in the back yard of 4949 Darien Drive just before Mr. Murphy started shooting.*

Several seconds later, an unknown male voice came across the radio and said, “Was that shots fired?” Dep. Bezek stated, “Affirm.”

Dep. Bezek remained quiet until, at 8:49:07 p.m., standing at the front left corner of the house at 4951 Darien Drive, facing the street, he yelled, “Get in your house. Get in your house.” to an unknown person. For nearly a minute thereafter, Dep. Bezek remained in place without speaking. Suddenly, at 8:49:59 p.m., there was a barrage of rapid-fire gunshots, with sustained shooting that lasted several seconds. Although Dep. Bezek’s BWC did not show anyone firing a weapon, the gunfire corresponded to Mr. Murphy shooting Officer Jensen and officers firing back.

## Officer Michael Jensen

The facts in this section, including the times, are based on Officer Jensen's BWC.

SPD Officers Michael Jensen and James Zollo arrived together at Mr. Murphy's house at 8:44:51 p.m. and parked just east (to the right) of Murphy's driveway, near 4949 Darien Drive. SPD Officers John Canestrare and Benedict Rath arrived together at the same time and parked across the street from Mr. Murphy's house, in front of 4942 Darien Drive. The officers left the headlights of both police SUVs on.

Officer Jensen stepped out of his SUV at 8:44:56 p.m. and walked to Mr. Murphy's Honda Civic, which was near the end of the driveway. The other SPD officers quickly joined him. When Officers Jensen and Zollo shined their flashlights through the car's windows, their BWCs showed two high-capacity AR-15 ammunition magazines lying on the backseat.

At 8:45:18 p.m. Officer Jensen momentarily pointed his flashlight at the front of Mr. Murphy's house before he and the three other SPD officers ran and took cover behind their cars. At 8:45:23 p.m. Officer Jensen radioed control and advised that they had seen two AR magazines in the back of the car and heard a firearm being racked in the house. (In written statements, the three surviving officers said they heard a weapon being racked.) Control asked if Officer Jensen wanted "the air." He said, "yes please" and asked Control to send more county units.

From a crouched position beside his SUV, at 8:45:46 p.m., Officer Jensen yelled, "Syracuse PD, lay down your weapon."

Soon thereafter, at 8:46:07 p.m., Officer Jensen radioed Control and said, "430. Can I take this to PTAC 16 [a private communication channel]?" Control said, "Copy." At 8:46:20 p.m. Officer Canestrare said, "Do you guys have eyes on him," and Officer Jensen said, "No. No eyes." A few seconds later, Control said, "4945 Darien Drive." Officer Jensen radioed, "430." Shortly thereafter, he repeated "430" two more times across the radio. At 8:47:05 p.m. his BWC captured a female voice from Control saying, "Copy that. Do you want me to dupe that call with the County's call?" Several seconds later, the same female voice said, "Any unit responding to 430's call, switch to County Channel 1."

At 8:47:25 p.m. Officer Jensen radioed, "430 to dispatch." Speaking to Officer Zollo, he said, "Why is no one fucking answering?" Several seconds later, at 8:47:32 p.m., Officer Jensen turned toward the other SPD unit and said, "Hey. We got anyone behind the house?" Officer Rath said, "We have a Sheriff posted up over here on this side. I've got nothing in this back yard. I've got a clear visual into this house's back yard." Officer Jensen pointed his flashlight toward 4941 Darien Drive and said, "Do we got county units over there?" Officer Rath said, "It looks like we just have one. I don't know how many are over there now."

At 8:47:59 p.m., Officer Zollo said, "All right, let's go to City Channel 1." Several seconds later, Officer Jensen radioed, "Hey. This is SPD unit 430. You got, you county boys... anyone around back of the house?" Officer Jensen's BWC did not record any response.

At 8:48:13 p.m., there was a sudden barrage of gunfire, consisting of seven shots in rapid succession. Officer Jensen radioed, "He's firing off shots in the air." Just as he was saying "air" his BWC captured two more gunshots, then a series of three gunshots, during which Officer Jensen radioed, "430. Shots fired." After a brief pause, there was a single gunshot. Officer Jensen said, "Oh, shit. That's right there." Officer Jensen yelled, "Hey." Officer Rath said, "Where is he?" Officer Jensen said, "I don't know," and then said, "That's right there, Jim." There were two more shots, and Officer Jensen radioed, "We've got more shots fired." There was a series of four gunshots, and after a brief pause, there was a single gunshot.

At 8:48:45 p.m. Officer Zollo radioed, "430 on City 1. We've got shots fired over here." A male voice from Control said, "Copy. We're working on patching channels here." Shortly thereafter, Officer Jensen said, "Does anyone have eyes on him?" Officer Canestrare's BWC captured him saying, "No. We gotta back up." Officer Jensen said, "Back up where?"

At 8:49:02 p.m., Officer Jensen radioed, "430. Where is Air-1?" As he said those words, he turned and his BWC showed that Officer Zollo was no longer beside him. Officer Zollo's BWC showed that he left the cover of the patrol vehicle and moved into the front yard of a house across the street, at 4946 Darien Drive, at 8:49:00 p.m., taking cover behind a grouping of birch trees.

A few seconds later, Dep. Bezek yelled "Get in your house. Get in your house," Officer Jensen seemed to misunderstand, saying, "He's in the house?" Officer Rath's BWC captured him saying, "No. He's saying, 'stay in your house.' He's saying, 'stay in your house.'"

Officer Jensen stayed in cover behind his car but shifted his position a few times. At 8:49:59 p.m., Mr. Murphy suddenly came around the front of Officer Jensen's SUV and started firing at him. Officer Jensen quickly moved toward the rear of the SUV as he returned fire, discharging numerous rounds as he fell and while he lay on the roadway. Officer Jensen was fatally injured; he stopped moving at 8:50:14 p.m.

#### Officer John Canestrare

The facts in this section, including the times, are based on Officer Canestrare's BWC.

Officers Canestrare and Rath were in cover, behind their patrol unit across the street from Mr. Murphy's house, when Mr. Murphy first fired shots at 8:48:13 p.m. Officer Canestrare radioed, "Shots fired" and remained in place. When the gunfire stopped, Officer Canestrare turned to Officer Rath and said, "We gotta move." Officer Rath said, "Where do you want to move to?" Officer Canestrare said, "I don't know." Officer Canestrare loudly stated to the other SPD officers, "We gotta back up." Officer Jensen said, "Back up where?" Officer Zollo ran from his position behind his and Officer Jensen's car across the street to the front lawn of 4946 Darien Drive. Officer Jensen remained next to his car.

At 8:49:34 p.m., Officer Canestrare asked Officer Rath, "Where you want to move to?" A moment later, he turned toward Officer Rath and said, "What do you want to do?" Suddenly,

at 8:49:59 p.m., gunfire erupted. When the shooting started Officer Canestrare turned around, looked in the direction of the shots, and started shooting at Mr. Murphy. The BWC shows that Mr. Murphy fell on the driveway of 4942 Darien Drive but was still moving and holding the rifle; Officer Canestrare continued to fire. His BWC showed that he fired from 8:50:01 p.m. to 8:50:05 p.m.

Once Officer Canestrare stopped shooting, he repeatedly screamed, “Don’t fucking move,” while Officer Rath yelled a similar command. Along with Officer Zollo, they rushed toward Mr. Murphy. Officer Zollo reached Mr. Murphy first and pushed the rifle away from him. Officer Rath grabbed the weapon and removed it from Mr. Murphy’s reach. Working together, Officers Zollo and Canestrare placed Mr. Murphy in handcuffs.

In his written statement, Officer Canestrare said he “looked up and observed a white male holding a long, black rifle with both hands.” Officer Canestrare said that as the male moved across the front of Officer Jensen’s car he saw the man fire multiple rounds at Officer Jensen. Officer Canestrare said he fired at the shooter because he feared for Officer Jensen’s life and for his own safety, believing the man might shoot at him, other officers on scene, or innocent civilians. Officer Canestrare said that he “began firing [his] firearm at the shooter to stop him from shooting.” Officer Canestrare said the man continued to shoot as he moved across the roadway and that the man eventually fell but was still holding the rifle, so Officer Canestrare continued to fire until the man dropped the rifle.

Officer Canestrare’s BWC showed that after securing Mr. Murphy the officers ran to Officer Jensen and found that he had a gunshot wound to his upper right chest. They loaded Officer Jensen into a patrol unit so that he could be extricated from the scene, which occurred at 8:54:57 p.m.

Shortly after officers left with Officer Jensen, Officer Canestrare surveyed the scene and found Officer Jensen’s service weapon in the street. He picked it up and secured it in his patrol vehicle. His BWC showed that Officer Jensen’s gun was in the slide-locked-back position, indicating that all rounds had been fired.



The image above, taken from Officer Canestrare's BWC, shows Mr. Murphy (circled) as he ran across Darien Drive, one second after he began shooting at Officer Jensen.



The image above, taken from Officer Zollo's BWC, shows Mr. Murphy lying in the driveway after he was shot. Mr. Murphy's rifle (circled in yellow) was immediately next to him, still within reach. Officer Canestrare (circled in blue) was next to his patrol unit. Officer Jensen's patrol unit appears on the right side of the image.

## Physical Evidence

### Mr. Murphy's Weapon

The weapon that Officer Rath removed from Mr. Murphy was an Anderson Manufacturing, AM-15, multi-caliber semiautomatic rifle (serial # 19142568). It had a high-capacity magazine that could accept up to 40 rounds of 5.56x45 caliber bullets. The Wallie Howard, Jr. Center for Forensic Sciences ("Wallie Howard, Jr. Center"), which is overseen by the Onondaga County Health Department, test fired the AM-15 rifle and issued a report stating that it was operable with both laboratory and submitted 5.56x45mm caliber full-metal jacket cartridges.

The lab determined that in addition to being able to accept a detachable cartridge magazine, the rifle also had a pistol grip that protruded below the action, a telescoping stock, and an attached muzzle device. Based on the rifle's composition, it constituted an "assault weapon" under New York law, and it was unlawful for Mr. Murphy to possess it, under Penal Law Section 265.00(22)(a). According to "Firearms Trace Summary" provided by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Mr. Murphy lawfully purchased the frame of the rifle (a "receiver") from "Gander Outdoors" in Cicero, NY, on September 9, 2019. It is unknown when the weapon was modified to the configuration in which it was found on April 14, 2024.



*The image above shows Mr. Murphy's AM-15 semi-automatic rifle, after Officer Rath placed it in the front seat of his patrol unit at the scene.*

### Officer Weapons

On April 14, 2024, SPD Officers Rath, Zollo, Canestrare, and Jensen each possessed a department issued "Glock 17" 9mm semi-automatic pistol and two spare ammunition magazines. After the incident, investigators examined each of their service weapons and spare magazines to determine whether they had fired any rounds and, if so, how many. The investigators took photos to document the condition of the pistols and magazines, and OSI has reviewed those photos.

The examination of Officer Rath's pistol (serial # BMWN549) revealed that it was fully loaded with ammunition, with one round in the chamber and 17 rounds in the inserted magazine. Both of his spare magazines were fully loaded, each with 17 rounds of ammunition. Based on the round count, Officer Rath did not fire any shots from his service weapon, which is supported by his BWC.

The examination of Officer Zollo's pistol (serial # BNDV913) revealed that it was fully loaded with ammunition, with one round in the chamber and 17 rounds in the inserted magazine. Both of his spare magazines were fully loaded, each with 17 rounds of ammunition. Based on the round count, Officer Zollo did not fire any shots from his service weapon, which is supported by his BWC.

The examination of Officer Canestrare's pistol (serial # BNDV823) revealed that it was loaded with two rounds of ammunition after the incident; there was one round in the chamber and one round remaining in the inserted magazine. Both of his spare magazines were fully loaded, each containing 17 rounds. Consequently, the inspection indicates that Officer Canestrare fired 16 shots.

The examination of Officer Jensen's pistol (serial # BNBG237) revealed that it was completely empty and had no rounds of ammunition in the chamber or in the inserted magazine, which indicates that he fired 18 shots. He did not use either of his spare magazines.

On April 14, 2024, Lt. Hoosock possessed a department issued "Glock 21" Gen4 .45 caliber semiautomatic pistol (serial # RYA614). The examination of his pistol revealed that it was loaded with one round in the chamber and 13 rounds in the inserted magazine, which had a capacity of 13 rounds. Based on the round count, Lt. Hoosock did not fire any shots from his service weapon, which is supported by his BWC.

#### Mr. Murphy's Shell Casings

On April 15, 2024, OCSO crime scene officers examined the scene at and near 4945 Darien Drive and found the following spent shell casings that were consistent with the type of ammunition used by Mr. Murphy's AM-15 semi-automatic rifle: twelve shell casings on the rear patio deck; one shell casing on the stone pavers around the deck; three shell casings in the grass near the stone pavers; two shell casings on the concrete sidewalk along the eastern side of the garage, which leads to the front yard; five shell casings in the roadway near the front of Officer Jensen's patrol unit; eight shell casings on or near the eastern edge of the paved driveway entrance at 4942 Darien Drive, where Mr. Murphy fell.

#### Officer Shell Casings

On April 15, 2024, SPD Sgt. Jeremy Butler found fourteen silver 9mm casings on the front lawn of 4942 Darien Drive. On April 17, 2024, OCSO Dep. Timothy Hahn searched the property again with a metal detector and found two additional silver 9mm casings near a large tree in the front yard of 4942 Darien Drive. Based on Officer Canestrare's position when he shot at Mr. Murphy, these sixteen 9mm casings were likely discharged from his pistol.

On April 15, 2024, investigators found fifteen silver 9mm casings in or near the roadway around Officer Jensen's patrol unit, a single silver 9mm casing in the driveway of Mr. Murphy's residence, as well as two silver 9mm casings in the grass near the driveway. Since Officer Jensen had emptied his service weapon, these eighteen 9mm casings were likely discharged from Officer Jensen's pistol.

### **Medical Examiner**

On April 15, 2024, Dr. Katrina Monday, a forensic pathologist with the Onondaga County Medical Examiner's Office in Syracuse, performed autopsies of Mr. Murphy, Officer Jensen, and Lt. Hoosock.

According to her report, Dr. Monday determined that the cause of Mr. Murphy's death was "multiple gunshot wounds." Dr. Monday's report said Mr. Murphy sustained four indeterminate-range gunshot wounds to the chest and abdomen, as well as multiple fragment gunshot wounds to the left side of his head. Dr. Monday recovered four metallic projectiles from Mr. Murphy's torso and metal fragments from his head. Dr. Monday ruled the manner of death as homicide.

According to the autopsy report for Mr. Murphy, the penetrating gunshot wound to the left side of his abdomen went through his aorta. Dr. Monday advised OSI that, due to the nature of this injury, medical intervention by police officers would have made no difference to Mr. Murphy's survival, as "the only possible lifesaving measure that *may* have helped would have been cutting him open and cross clamping the aorta" (emphasis in original), which she explained cannot be done in the field or even in an emergency room.

The ME's Office sent a blood sample from Mr. Murphy to the Wallie Howard, Jr. Center for toxicology testing. The Toxicology Report indicated "Positive" findings for cocaine and ethyl alcohol. According to the Toxicology Report, quantitative analysis of his blood showed that Mr. Murphy had a blood alcohol content (BAC) of 0.13%, and quantitative analysis of the vitreous fluid from his eye showed that he had a BAC of 0.15%.

Dr. Monday determined that the cause of Officer Jensen's death was a single gunshot wound to the right side of his chest. She also noted that Officer Jensen had a graze gunshot wound to his right arm. Dr. Monday ruled the manner of death as homicide.

Dr. Monday determined that the cause of Lt. Hoosock's death was two "atypical gunshot wounds" to the right side of his head. Dr. Monday ruled the manner of death as homicide.

The final autopsy reports for Officer Jensen and Lt. Hoosock both state that toxicology testing was "negative for contributory substances."

### **Ballistics Analysis**

Officer Jensen's and Officer Canestrare's service weapons were submitted to the Wallie

Howard, Jr. Center for ballistics analysis and comparison to the four projectiles that the ME's Office recovered from Mr. Murphy's body. The lab test-fired Officer Canestrare's Glock 17 pistol (serial # BNDV823) and Officer Jensen's Glock 17 pistol (serial # BNBG237) using both laboratory and submitted cartridges. The lab microscopically examined and compared the test fired bullets from those weapons to the four projectiles that the ME's Office recovered from Mr. Murphy. As set forth in the Firearms Report, based on "observed agreement of class characteristics and sufficient agreement of individual characteristics," the lab determined that three of the recovered projectiles were fired from Officer Canestrare's pistol, and one was fired from Officer Jensen's pistol.

The lab also microscopically examined a metal fragment that the ME's Office recovered from Mr. Murphy's head. The lab determined that the metal fragment was "unsuitable for comparison due to damage and/or lack of individual characteristics."

### LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly force against another. Justification is a complete defense to any criminal charge involving one person's use of force against another. Where evidence of justification exists, the court must instruct the jury on justification. *People v Padgett*, 60 NY2d 142, 145 (1983).

Justification is a defense, not an affirmative defense, which means the prosecutor at trial must disprove justification beyond a reasonable doubt, Penal Law Sections 25.00(1) and 35.00. Based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Canestrare's use of deadly physical force against Mr. Murphy was justified.

Under Penal Law Section 35.15(1), the use of deadly physical force is authorized if the actor reasonably believes that the other person is using or about to use deadly physical force, and if the actor reasonably believes that deadly physical force is necessary to defend the actor or another. If the actor is a police officer making or attempting to make an arrest for an offense, the officer is under no duty to retreat before using deadly physical force, Penal Law Section 35.15(2)(a)(ii) and Penal Law Section 35.30(1).

In *People v Goetz*, 68 NY2d 96 (1986), and later in *People v Wesley*, 76 NY2d 555 (1990), the Court of Appeals held that the phrase "reasonable belief" has both a subjective and objective component. The subjective prong is satisfied if the defendant believed, "honestly and in good faith," that deadly force was about to be used against himself or herself at the time deadly physical force was employed, and that the use of deadly physical force was necessary to repel the danger, regardless of whether that belief was accurate or not. *Goetz*, 68 NY2d at 114. The objective prong is satisfied if a "reasonable person" under the same "circumstances" could have held those same beliefs. *Goetz*, at 115. The *Goetz* Court also said, "Statutes or rules of law requiring a person to act 'reasonably' or to have a 'reasonable

belief' uniformly prescribe conduct meeting an objective standard measured with reference to how 'a reasonable person' could have acted." Goetz, at 112.

Although Officer Canestrare was not aware that Mr. Murphy had already shot and killed Lt. Hoosock, he witnessed Mr. Murphy use deadly physical force against Officer Jensen. Mr. Murphy was standing in the street and shooting at Officer Jensen when Officer Canestrare first fired his weapon. Even after Mr. Murphy fell to the ground, he was still holding the rifle and shooting. In his written statement, Officer Canestrare said he fired "at the shooter to stop him from shooting." Officer Canestrare said that he feared for his own safety, as well as the safety of other officers and innocent civilians, and that he believed that Mr. Murphy might shoot at him.

OSI concludes a prosecutor would not be able to disprove that it was reasonable for Officer Canestrare to believe that he needed to use deadly physical force under these circumstances. Therefore OSI will not seek charges against Officer Canestrare in connection with the death of Mr. Murphy and closes the matter with the issuance of this report.

Dated: December 11, 2024