



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

**Office of Special Investigation**

September 14, 2023

# Report on the Investigation into the Death of Carson Dobson

## SUMMARY

New York Executive Law Section 70-b authorizes the Office of the Attorney General, through the 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, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Carson Dobson.

On December 24, 2021, New York State Police (NYSP) Trooper Andrew Gorinshek shot Carson Dobson, causing his death. After a full evaluation of the facts and the law, OSI will not seek charges against Trooper Gorinshek, because we conclude that a prosecutor could not disprove beyond a reasonable doubt that his actions were justified under Article 35 of the New York Penal Law.

## FACTS

### Overview

On December 24, 2021, members of Dolgeville Police Department (DPD) and New York State Police (NYSP) responded to a report of a domestic stabbing at 203 Mers Way in Dolgeville, Herkimer County. The complainant, GD,<sup>1</sup> lived with her brother and his wife in a house at the end of a long private road. The alleged assailant, Carson Dobson, GD's son, lived in a camping trailer along the private road, several hundred yards from the house. After the assault, Mr. Dobson fled to his camping trailer.

When the officers arrived at Mr. Dobson's trailer, he refused to come outside to talk with them and made suicidal and other statements (including that he wanted to kill himself, and that he was having out of body experiences). Officers who had gone to the house confirmed to officers at the trailer that GD had been injured. At one point, while officers at the trailer were trying to coax Mr. Dobson to come out, Mr. Dobson asked the officers to give him a generator, which was on the ground outside the trailer, so he could "blow himself up." Officers placed the generator outside the trailer door and told Mr. Dobson it was there for him. Mr. Dobson opened the trailer door, and a trooper deployed his Taser, with no effect. The trooper deployed his Taser again, also without effect, and Mr. Dobson charged out of the trailer wielding a sword and a knife. As he ran at the trooper who had Tased him, the trooper fired his gun, striking Mr. Dobson twice, causing his death.

### Pre-Police Arrival

According to Herkimer County 911 Computer Aided Dispatch (911-CAD) records and the recorded 911 call, at 1:04<sup>2</sup> p.m. on December 24, 2021, BL called 911 to report a stabbing

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<sup>1</sup> OSI does not disclose the identity of civilian witnesses.

<sup>2</sup> All times are approximate.

at 203 Mers Way in the Town of Manheim. BL said she lived at that address with her sister-in-law, GD, who lived in the basement apartment. According to BL, GD had just been stabbed with scissors, by her son, Carson Dobson, who lived in a trailer down the road.

In a written statement provided to the NYSP following the incident,<sup>3</sup> GD said that Carson Dobson had knocked on the sliding glass door to her basement apartment shortly before 1:00 p.m. that day. GD opened the door to ask Mr. Dobson what he wanted, and he said he did not have any food and wanted her to take him to the store. GD told him no and suggested he walk to the store as it was not that far. She then closed and locked the sliding glass door, leaving Mr. Dobson outside, but saw that he had become angry and began hitting himself with closed fists. After trying to ignore his outburst, GD opened the door to tell her son to stop. With the door slightly open, Mr. Dobson grabbed and opened it further, trying to push his mother away and force himself inside as she tried to re-lock the door.

A physical struggle ensued, and GD saw Mr. Dobson take a pair of scissors into his right hand, which she described as “safety scissors.” GD said her son used those scissors to stab her in the hand as she attempted to “fight him off.” During the struggle, he also stabbed her with the scissors on the back of her right shoulder and on her back; GD yelled for her brother and sister-in-law and Mr. Dobson ran away.

BL also gave a statement to the State Police after the incident. According to her, she and her husband heard GD calling out for help from her basement apartment. Running downstairs, they found GD leaning on the counter and she told them she had been stabbed by her son. BL called 911 to report the incident. She identified Mr. Dobson, saying he lived in a trailer down the road from their house. The operator said they dispatched an ambulance for GD as well as the NYSP. BL also told the 911 operator that Mr. Dobson had made statements indicating that he was going to hurt himself.

According to the 911-CAD report, at 1:09 p.m. Herkimer County Mohawk Ambulance Corps (MOVAC) was dispatched to 203 Mers Way and members of the NYSP were dispatched to Mr. Dobson’s trailer, down the road at an unidentified address. According to his interview with OSI, Village of Dolgeville Police Department (DPD) Officer Ryan Chow explained that the NYSP had initially been dispatched because 203 Mers Way is in the Town of Manheim; DPD was later dispatched as well, because of the incident’s proximity to the village of Dolgeville. Officer Chow said he was unfamiliar with the address and needed to call dispatch to confirm where it was. Officer Chow and DPD Officer Timothy Scharett, a new officer who had not yet completed his police academy training, responded to 203 Mers Way. Officer Chow was aware of Mr. Dobson by reputation, including that he was said to have mental health issues and had once struck a person in the face at a local laundromat.

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<sup>3</sup> Members of OSI also met with GD at a later date. During the meeting with OSI, she did not say anything inconsistent with her sworn statement to the NYSP.

## Police Arrival

Officers Chow and Scharett, each equipped with a body-worn camera (BWC), were the first officers to arrive. They encountered BL's husband, ML, standing at the end of the private road leading to his house, which Officer Chow estimated to be about a half mile long. ML told the officers that his sister had been stabbed, without describing her condition; he said that Mr. Dobson was in his camper down the road. The officers continued up the road a short distance until they reached the camper and parked their car off the road to allow room for EMS to pass, according to Officer Scharett's interview with OSI. The trailer, a small pop-up camper, was about 40 feet from the road.<sup>4</sup>



*Still image from Trooper Andrew Gorinshek's BWC showing Mr. Dobson's camping trailer.*

Everything described from this point forward is derived from BWC footage in OSI's possession unless otherwise stated.

Mr. Dobson was inside his trailer when police arrived. Officer Chow tried to contact Mr. Dobson by calling out his name several times, asking what he was doing inside the trailer, and asking him to come out. Mr. Dobson eventually responded by saying he was going to kill himself. When asked what happened, Mr. Dobson said, "I had an out of body experience where I just stabbed my mother, but it wasn't me." At that point, Officer Chow instructed Officer Scharett to go up the road to Mr. Dobson's mother's house to check on her, and Officer Scharett left the scene in the patrol car, because he did not know how far the house was from the trailer. Officer Chow continued to speak with Mr. Dobson to assess what happened and asked if he had any weapons, to which Mr. Dobson responded that he had some cooking knives, but no firearms.

Throughout his conversation with Officer Chow, Mr. Dobson remained adamant that he had not stabbed his mother, but instead, experienced an out of body experience. He described the

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<sup>4</sup> Members of OSI responded to the scene the day of the incident and saw the camper.

experience as, "I woke up and my body was running, and it was like a dream... I was sleeping right here in my camper... I woke up and I seen myself running down to her apartment." Officer Chow asked Mr. Dobson to come out and talk face-to-face but could not get Mr. Dobson to voluntarily come out of the camper.

After Officer Chow had spent several minutes attempting to get Mr. Dobson to come out, NYSP Troopers Andrew Gorinshek and Michael McHarris joined Officer Chow at the trailer at 1:25 p.m., and he briefed them on the situation. Trooper Gorinshek, also wearing a BWC, began talking to Mr. Dobson, who told the officers he had just cut his neck open, and it was bleeding. Trooper Gorinshek's BWC footage can be viewed here: [Trp. Gorinshek BWC](#).

(Officer Chow told OSI he believed Mr. Dobson was delusional, potentially suicidal, and experiencing a mental health crisis based on statements Mr. Dobson made, such as asking if his mother was a robot, saying he had "died many times before," and telling officers he had stabbed himself in the neck.)

At 1:32 p.m., Trooper McHarris can be heard on the BWC asking about GD's condition and status. Officer Chow called Officer Scharett, who was still at the house; Officer Scharett said GD had been stabbed, but was no longer bleeding, and EMS was still on the way. Officer Scharett stayed with GD as she awaited medical attention. At 1:34 p.m., Trooper McHarris left the trailer to assist at GD's residence.

According to his BWC, Trooper Gorinshek asked Mr. Dobson several times if he could check out his neck, but Mr. Dobson refused to come out, saying he did not want to be arrested. Mr. Dobson said, "If you want to shoot me, you can shoot me, but I am not getting cuffed in metal handcuffs," and, "I don't mind dying but I do mind being arrested."

Mr. Dobson eventually agreed to unzip the cover of one of the camper's windows, at 1:39 p.m., and Trooper Gorinshek approached the window to see Mr. Dobson and his neck injury. Trooper Gorinshek asked where the knife was, and Mr. Dobson said it was in his hand. Trooper Gorinshek asked him to put it down, but Mr. Dobson said, "I'm not putting it down. Sir, I just cut my jugular, okay? I'm trying to be here where I can die." The Trooper told him he did not want him to die, and Mr. Dobson said, "I'll come back to life eventually. I don't want no charges in my computer from some bullshit out-of-body experience. I love my mother; I would never stab her like that. I swear she must have been a robot. I must have been possessed to do that." At that time, Trooper Gorinshek learned from his radio that EMTs were taking GD for treatment and brought her out of the house on a backboard.

Trooper Jennifer Greenwood, equipped with a BWC, arrived at the trailer to assist at 1:43 p.m. and was briefed on the situation as Mr. Dobson zipped the camper window cover back up. Trooper Greenwood's BWC footage can be viewed here: [Trp. Greenwood BWC](#). She attempted to establish rapport with Mr. Dobson by talking about people he knew, such as his girlfriend,

and offering to bring him to a doctor to discuss his out of body experience. Mr. Dobson then asked for the generator that was outside of his camper so he could blow himself up. At that point, around 1:48 p.m., Trooper Gorinshek, Trooper Greenwood, and Officer Chow formulated a plan to use the generator Mr. Dobson had asked for to get him to open the door. If Mr. Dobson opened the door, they decided that Trooper Gorinshek would deploy his Taser and pull him out of the trailer. As they discussed this, Trooper Gorinshek received a phone call from NYSP Investigator Jason Nellis and relayed their plan; Investigator Nellis approved.

## The Shooting

At 1:50:35 p.m., Trooper Gorinshek told Mr. Dobson, “If you open the door, I’ll hand this generator to you,” to which Mr. Dobson replied, “Okay, sir.” Trooper Gorinshek positioned himself along the left side of the trailer door, with his Taser in his hand, as Officer Chow picked up the generator, placed it on the ground a few feet in front of the trailer’s door, and told Mr. Dobson he had to come out and get it because it was “really heavy.” Mr. Dobson told the officers, “I got a gold chain on so do not Tase me,” and opened the trailer door. With Mr. Dobson standing in the doorway, Trooper Gorinshek asked him where the knife was. Mr. Dobson held it up and said, “It’s right here in my hand.”



*Still image from Trooper Gorinshek’s BWC that shows Mr. Dobson in the trailer’s doorway, holding a knife in his hand, circled in yellow. Trooper Greenwood and Officer Chow are also visible.*

At 1:51:07 p.m., after Mr. Dobson displayed the knife, Trooper Gorinshek deployed his Taser, with no apparent effect, and Mr. Dobson retreated inside his trailer, leaving the door open. Trooper Greenwood and Officer Chow were positioned along the right side of the trailer during this exchange with their Tasers and guns holstered, and Trooper Greenwood said, “You got to hit him again.” Trooper Gorinshek shifted his position to the right so he could get a direct view of Mr. Dobson through the door, then, eight seconds after the first deployment, fired a second cartridge from his Taser into the trailer.

(In interviews with OSI, both Trooper Greenwood and Officer Chow said they thought they saw Mr. Dobson remove the Taser probe after the second Taser deployment, while shuffling around in his trailer, agitated. Trooper Greenwood also said in her interview that at that point, she unholstered her Taser with the intention of trying to Tase Mr. Dobson from a different angle.)

Trooper Gorinshek directed Mr. Dobson to come out and put the knife down, and simultaneously lowered his Taser and unholstered his service weapon. Mr. Dobson's agitation escalated; he yelled, "You're a motherfucking [unintelligible], you're a motherfucking [unintelligible]," and leaped from the trailer, landing on the ground about five or six feet from Trooper Gorinshek. He wielded a long sword and knife in his right hand as he charged directly towards Trooper Gorinshek, who back-pedaled.



*Still image from Trooper Gorinshek's BWC that shows Mr. Dobson charging out of his trailer holding a sword.*

As Mr. Dobson ran out of his trailer, Trooper Greenwood and Officer Chow, positioned to Mr. Dobson's left as he ran, deployed their Tasers but missed. Mr. Dobson kept running forward, closing the distance between himself and Trooper Gorinshek. At 1:51:24 p.m., Trooper Gorinshek fired two rounds from his gun, striking Mr. Dobson, who fell to the ground, face first. The BWCs of both NYS troopers can be viewed here: [Trooper Gorinshek](#) and [Trooper Greenwood](#).



*Still image from Trooper Greenwood's BWC showing her and Officer Chow deploying their Tasers as Mr. Dobson ran out of the trailer and closed the gap between himself and Trooper Gorinshek (whose gloved hand is circled in red). The edge of Trooper Greenwood's hand, holding a Taser, is in the extreme upper left part of the image.*

Trooper Gorinshek radioed, "Shots fired," at 1:51:32 p.m. and, "Send EMS," four seconds later. Both Trooper Gorinshek and Officer Chow approached Mr. Dobson on the ground, picked up the sword, and removed it from Mr. Dobson's reach;<sup>5</sup> they then handcuffed Mr. Dobson behind his back and rolled him onto his side (in what Officer Chow described on the BWC recording and in his OSI interview as a "recovery position"). Trooper Gorinshek checked for a pulse and did not feel one, saying, "He's gone," at 1:52:10 p.m. MOVAC arrived at 1:53:19 p.m. and identified one gunshot wound to Mr. Dobson's neck and one to his arm. At 1:55:27 p.m. one of the EMTs began cardiopulmonary resuscitation (CPR). After a few minutes, they checked for a pulse and said Mr. Dobson had an "agonal rhythm"<sup>6</sup> and would not survive. MOVAC personnel pronounced Mr. Dobson dead at 2:04:14 p.m.

### **Accounts of Individual Officers**

On January 7, 2022, OSI separately interviewed DPD Officers Chow and Scharett, in the presence of two investigators from NYSP. OSI interviewed Trooper Greenwood on May 13, 2022. OSI requested an interview with Trooper Gorinshek, but he, through his attorney, refused. Summaries of the officer interviews are provided below.

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<sup>5</sup> Investigator Michael Kosakowski of NYSP's Troop D Forensic Investigation Unit, who arrived shortly after the shooting to secure and process the scene, recovered the knife in the snow about two feet from where Mr. Dobson fell.

<sup>6</sup> An agonal rhythm is defined as an abnormally slow, erratic rhythm that occurs after the upper ventricles, or chambers, of one's heart stop working. This prevents the heart from pumping blood out to the rest of the body. This form of arrhythmia is the last type of heart rhythm that occurs before asystole, which is when the heart stops and a person dies. <https://my.clevelandclinic.org/health/articles/22937-agonal-rhythm>



### Officer Chow

Officer Chow said he did not feel that the responding officers were in control of the situation because their efforts to get Mr. Dobson to come out of the trailer were not working, and Mr. Dobson had cut his neck and appeared to be in danger of self-harm. He recalled all three officers taking a step back after Mr. Dobson began screaming inside his trailer after being Tased, and again when he ran out of the trailer. Officer Chow estimated Mr. Dobson to be about five to six feet away from Trooper Gorinshek when Trooper Gorinshek shot him.

When asked to describe Mr. Dobson's sword, Officer Chow said it was "like a samurai sword," estimating the length to be about two to two and a half feet. Officer Chow characterized Mr. Dobson's movements as "fast-paced" when he ran from the trailer, noting that Mr. Dobson closed the gap between himself and Trooper Gorinshek quickly – in less than one second, which is why Officer Chow deployed his Taser. Officer Chow was unsure if his Taser probes ever made contact with Mr. Dobson. When asked if he thought Mr. Dobson intended to cut Trooper Gorinshek with the sword, Officer Chow said, "Absolutely. He pretty much had it raised up," and characterized the use of a samurai sword as a use of deadly physical force.

### Officer Scharett

Officer Scharett was training under the supervision of Officer Chow at the time of the incident. He explained that as he and Officer Chow approached the camper, they heard movement inside, which confirmed Mr. Dobson's location. Officer Scharett's initial assessment of Mr. Dobson, without knowing his mental health history, was that he was an emotionally disturbed person, possibly experiencing a psychotic episode. When he was at GD's residence, he observed that the entire side of her shirt was soaked in blood. Officer Scharett offered to get his medical bag from the patrol car, but GD declined many times, saying, "I'm not hurt, I'm just in shock."

Officer Scharett explained that paramedics from the fire department drove a truck up the long driveway while the ambulance stayed at the end of the road; the plan was to remove GD to the truck and drive her down the driveway to the ambulance. Officer Scharett was following the truck taking GD to the ambulance when he heard "shots fired" over the radio. He immediately pulled his car over, got out, and ran to the scene. Officer Scharett said once he got back to the trailer, the other officers told him to find the small knife Mr. Dobson had been holding inside the camper, thinking it may still be inside. When Officer Scharett looked inside the camper, he noticed a leaking propane tank that he turned off but did not see the knife. (The knife was later located by Mr. Dobson's body.) Officer Scharett also saw the sword at the scene and estimated its length to be about one to two feet.

## Trooper Greenwood

Trooper\_Greenwood said that when she arrived on scene, Mr. Dobson appeared to be mentally ill, and that the officers needed to get him out of the camper, secure him, and then further evaluate the details of the assault and his mental state. When Trooper Gorinshek's initial Taser deployment was ineffective, Trooper Greenwood did not understand why, since it was deployed from a short range. It was not until Trooper Greenwood reviewed her BWC footage after the incident that she noticed that one of the Taser prongs did not strike Mr. Dobson. Trooper Greenwood explained that they could not see what Mr. Dobson was doing when he retreated into the trailer because it was dark inside, and they did not know what Mr. Dobson was going to do next. She drew her Taser in anticipation of his possibly coming back to the door and planned to try Tasing him from a different angle. When asked about the moment Mr. Dobson charged out of his camper with the sword, Trooper Greenwood said she believed he was going to attack the officers and that the sword he was carrying was capable of causing serious injury or death.

## **Medical Evidence**

Dr. Michael Sikirica of Albany Medical Center conducted an autopsy on Mr. Dobson's body on December 27, 2021. An OSI Investigator attended the autopsy and obtained Dr. Sikirica's final report, which listed the cause of death as "hemorrhage and bilateral hemothorax due to perforations of lungs, aorta, and left subclavian artery and vein due to gunshot wound to left clavicular area." Dr. Sikirica's report identified two gunshot wounds. The first wound was to Mr. Dobson's left lateral clavicular region, and the associated projectile went through Mr. Dobson's left lung and heart. The second gunshot wound was to Mr. Dobson's upper right arm. Dr. Sikirica recovered a bullet from the first gunshot.

Dr. Sikirica's report also detailed Taser markings on Mr. Dobson's left shoulder area, back, and left arm; he also identified puncture wounds that corresponded to the Taser probes in Mr. Dobson's shirt. Finally, the report detailed multiple superficial wounds along Mr. Dobson's neck consistent with self-inflicted injuries.

## **LAW**

Article 35 of the New York Penal Law (PL) governs the circumstances under which an individual may be justified in using deadly force against another. Justification is a defense, PL Section 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL Section 25.00(1).

PL Section 35.15 sets forth the circumstances under which any person, whether or not a police officer, is justified in using physical force in defense of self or another, as follows:

- “1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person
2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:
  - (a) The actor reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he or she knows that with complete personal safety, to oneself and others he or she may avoid the necessity of so doing by retreating...”

Under a separate Penal Law section justifying the use of physical force when police officers attempt to make an arrest for an offense, PL Section 35.30, if officers are otherwise justified in using deadly physical force in the course of attempting the arrest, they do not have a duty to retreat, PL Section 35.15(2)(a)(ii).

The Penal Law defines deadly physical force as “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury,” PL Section 10.00(11). The Penal Law defines “serious physical injury” as “physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ,” PL Section 10.00(10).

Trooper Gorinshek used deadly physical force against Mr. Dobson. Under either PL Section 35.15 or 35.30, the question is whether Trooper Gorinshek reasonably believed that deadly physical force was necessary to defend himself from what he reasonably believed to be the use or imminent use of deadly physical force by Mr. Dobson. The Court of Appeals in *People v. Goetz*, 68 N.Y.2d 96 (1986) held that reasonable belief has subjective and objective components. To satisfy the subjective component, the person must “honestly and in good faith” believe that deadly physical force was about to be used against that person or another, and that deadly force was necessary to prevent or stop that danger, 68 N.Y.2d at 114. To satisfy the objective component, a “reasonable person” under the same circumstances could have held the same beliefs, 68 N.Y.2d at 115. See also *People v. Wesley*, 76 N.Y.2d 555 (1990).

The BWC, radio transmissions, and interviews of Officer Chow and Trooper Greenwood show that Trooper Gorinshek, Trooper Greenwood, and Officer Chow were faced with a person who

was a danger to himself and others: the officers had information that Mr. Dobson had stabbed his mother, Mr. Dobson told them had a knife and had cut himself. Over the course of about 25 minutes, the officers attempted to persuade Mr. Dobson to come out of his trailer, but he refused. Mr. Dobson's request for the generator gave the officers an opportunity to bring the matter to a close. Told the generator was outside, Mr. Dobson opened the trailer door. Trooper Gorinshek asked where the knife was and Mr. Dobson said it was in his hand and displayed it. Trooper Gorinshek deployed his Taser, twice, to no effect. After the second Taser attempt, Mr. Dobson came quickly out of the trailer with a knife and sword in one hand and charged at Trooper Gorinshek, who fired twice.

OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Trooper Gorinshek reasonably believed that Mr. Dobson was about to use deadly physical force against him and that deadly physical force was necessary to defend himself and the other officers present. If Trooper Gorinshek was present at the trailer to attempt to arrest Mr. Dobson for having assaulted his mother, his actions fell under PL Section 35.30 and he had no obligation to retreat. If Trooper Gorinshek was present for a different purpose, such as taking Mr. Dobson into custody under Mental Hygiene Law Section 9.45 because he was a danger to himself or others, OSI concludes that a prosecutor could not prove that Trooper Gorinshek was legally obligated to retreat under PL Section 35.15, as there is insufficient evidence to establish that Trooper Gorinshek "knew" he could retreat at that moment with "complete personal safety" to himself and others.

For these reasons, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Trooper Gorinshek's use of deadly physical force was justified and will not seek charges in this case.

September 14, 2023