



Office of the New York State Attorney General Letitia James

Office of Special Investigation

November 26, 2025

Report on the Investigation into the Death of Donnell Hogan

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. When, as in this case, OSI does not seek charges against the officer, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Donnell Hogan, who was shot and killed on May 13, 2025, by an officer of the Syracuse Police Department (SPD) in Onondaga County. (Note: OSI's Notification of Investigative Findings in this case was published on August 26, 2025, and can be found at this link: [NOIF: Hogan.](#))

At around 10:00 p.m. on May 13, 2025, numerous SPD officers responded to a large apartment building in the City of Syracuse following multiple 911 calls reporting a man firing a gun inside and outside the building. Callers said a man in a wheelchair, identified as Donnell Hogan, had shot at a man outside and was now shooting inside the building on the second floor. When officers arrived, they assembled and entered the "L" shaped building from different entrances, converging on the second floor. One team, led by Officer Christopher Mazzotti, spotted Mr. Hogan about 60 feet away at the elbow of the "L" shaped hallway. Officer Mazzotti immediately ordered Mr. Hogan to show his hands. A second team, led by Officer Richard Bougourd, entered the second floor through a fire escape door at the other end of the "L" shaped hallway, emerging less than 15 feet from Mr. Hogan. As Officer Bougourd came through the doorway, Mr. Hogan raised a pistol and fired toward Officer Bougourd. Officer Mazzotti then fired his patrol rifle, fatally striking Mr. Hogan.

Having thoroughly investigated the facts, including review of body-worn camera (BWC) video, and analyzed the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Mazzotti's use of deadly force against Mr. Hogan was justified under New York law, and will not seek charges.

FACTS

The Building

The apartment building located at Townsend is a large multi-family apartment building. It sits on a corner lot with Hawley Street to the north of the building. The shooting took place on the second floor of the building near the rear of the property. The building is "L" shaped in that area. There are elevators and multiple stairwells leading to the second floor.

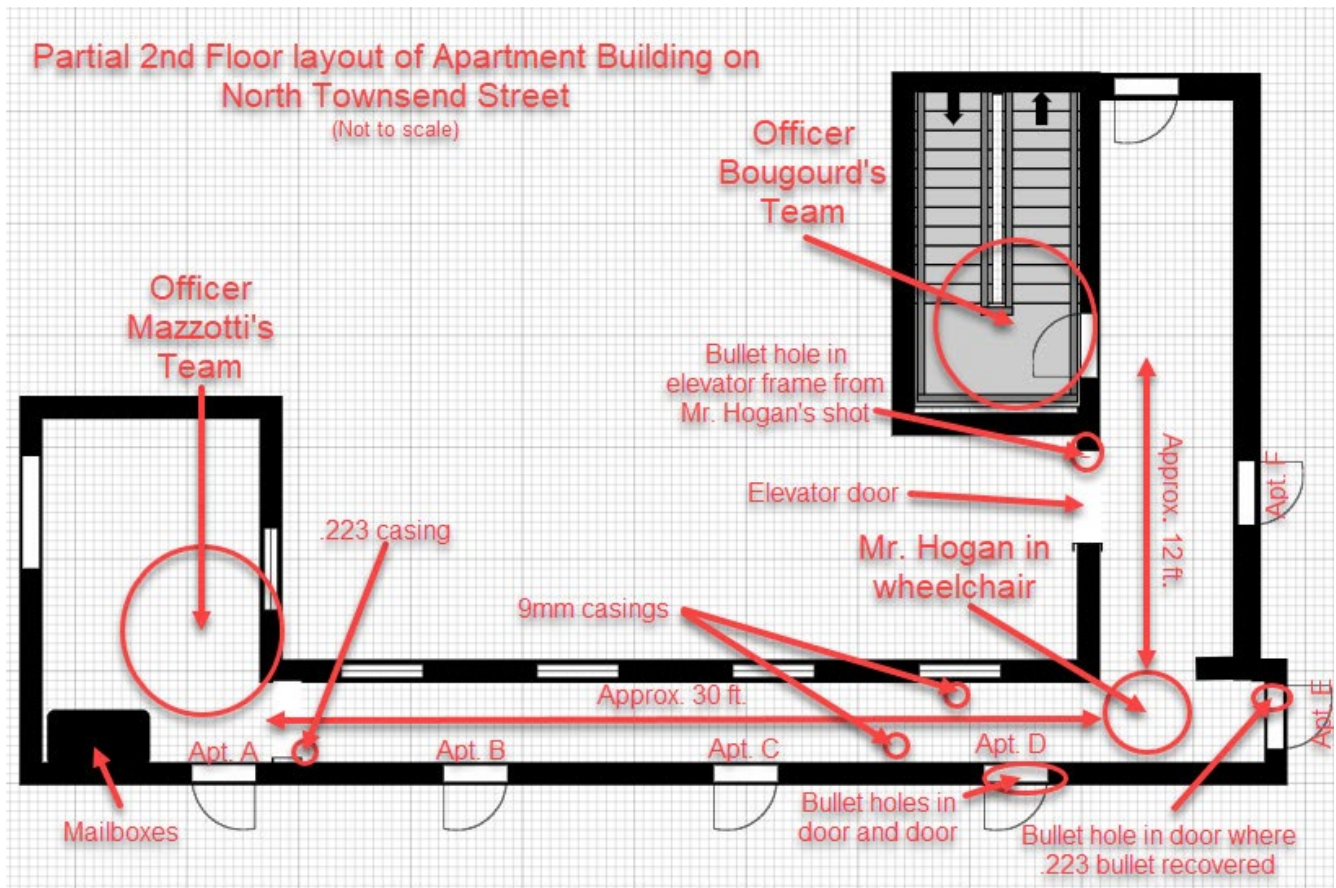


Diagram second floor hallway of the apartment building where the incident occurred.

Background

Donnell Hogan was a resident of the Moses Dewitt House, a four-story, multi-family apartment building at North Townsend Street in the City of Syracuse. He lived in an apartment in the building. Mr. Hogan was a double leg amputee and relied on a wheelchair for mobility.

At 9:52 p.m. on May 13, 2025, multiple 911 calls were received by Onondaga County dispatch reporting that Mr. Hogan was discharging a firearm both inside and outside the Moses Dewitt House. Based on review of the Onondaga County 911 Center's audio recordings, one caller, a resident on the second floor, reported that Mr. Hogan had fired at another individual outside. The same caller contacted dispatch again, reporting that Mr. Hogan was outside her apartment door, actively firing into her home.

Based on their BWC videos and written statements, several SPD officers responded promptly. Upon arrival, they were advised by witnesses on scene that Mr. Hogan had moved inside the building to the second floor and was firing a pistol, consistent with the information provided by numerous 911 callers. Officers divided into two teams and entered the "L" shaped building through separate entrances; one team ascended the fire escape stairwell located at the side rear of the building, and the other entered

from the front of the building at the second-floor level. The teams positioned themselves at opposite ends of the hallway. One team was led by Officer Bougourd, and the other by Officer Mazzotti, a member of the SPD SWAT Team. Officer Mazzotti's team made initial visual contact with Mr. Hogan and issued commands for him to show his hands, which he did not follow. Officer Bougourd's team saw Mr. Hogan moments later as they emerged from the fire escape stairwell. At that time, Mr. Hogan raised his right arm, holding a pistol, and fired at Officer Bougourd. From the other end of the hallway, Officer Mazzotti then fired his rifle once at Mr. Hogan, striking him.

Officers Involved

Officer Christopher Mazzotti

Officer Mazzotti declined OSI's request for an interview. The following is based on Officer Mazzotti's written statement, SPD records, and BWC footage from other officers.

Officer Mazzotti was on duty just before 10:00 p.m. on May 13, 2025. While at the Public Safety Building at 511 South State Street in Syracuse, he heard a "shots fired" call over another officer's radio. Reports came in that a man, identified as Donnell Hogan, was shooting a pistol. Officer Mazzotti turned on his radio and monitored the transmissions. At one point, he heard an officer call out "shots fired."

Officer Mazzotti and other officers drove their patrol cars to North Townsend Street, less than a mile away. Dispatch broadcast that the suspect was described as a Black man in a wheelchair, on the second floor, who was actively shooting into apartments. Upon arrival, Officer Mazzotti got out of his police car with his patrol rifle. No BWC footage exists from Officer Mazzotti; an audit report of his BWC later showed that his BWC was activated and deactivated multiple times, consistent with accidental activation and deactivation. As detailed below, Officer Mazzotti's actions were captured by the BWCs of other responding officers.

When he arrived at North Townsend Street, other officers were outside of the building. Officer Mazzotti entered the apartment building with several other officers through the second-floor front entrance. The group, that included Officer Conlan McGuire and Detective Gregory DiPuccio, moved toward the sound of a man "screaming." Officer McGuire and Det. DiPuccio both had their BWCs activated. From the doorway of the mailroom at the beginning of a long hallway, Officer Mazzotti saw a Black man in a wheelchair, later identified as Mr. Hogan, positioned near apartment D¹ and screaming unintelligible words. According to Officer Mazzotti's statement, Mr. Hogan was facing an opening that appeared to lead to another hallway.

Officer Mazzotti gave repeated commands for Mr. Hogan to show his hands for about 20 seconds.

¹ Apartment labeling has been changed to protect the witnesses' identities.

After yelling commands to “show your hands”, and without Mr. Hogan complying, he heard people in the other hallway yelling, “He’s got a gun.” Officer Mazzotti reported that Mr. Hogan raised his right arm with what appeared to be a firearm in his hand. He then heard what sounded like a gunshot and saw Mr. Hogan’s arm appear to recoil. Believing Mr. Hogan was firing at people, Officer Mazzotti shot his patrol rifle one time, striking Mr. Hogan in the head. In his statement, Officer Mazzotti said he was not aware that another team of officers were inside the building.

Seconds later, Officer Mazzotti saw another team of officers down the hallway and identified himself. He and his team then moved toward Mr. Hogan, who was slumped over in his wheelchair near apartment D. A pistol was in Mr. Hogan’s right hand. The door to apartment D had bullet holes in the door and frame. Officers entered apartment D and located several occupants inside, none of whom were injured.



Photograph taken by OSI detective, showing the view down the hallway from Officer Mazzotti's position.

Officer Conlan McGuire

The following is based on Officer McGuire's written statement, his and other officers' BWC footage, and SPD records.

Officer McGuire's BWC video showed a team of officers enter the building through the second-floor front entrance led by Officer Mazzotti. They advanced until they reached the mailroom and a doorway leading down a long hallway. There, BWC footage showed Officer Mazzotti stop as he yelled commands to someone down the hall to show their hands. Officer McGuire's BWC was not pointed down the hallway and only Officer Mazzotti can be seen in the video at this point. Officer Mazzotti continued yelling at the person down the hallway for about twenty seconds before BWC captured the sound of a gunshot, followed closely by the sound of a second shot. Officer Mazzotti then yelled down the hallway asking who was there while announcing his presence.

Officer Mazzotti eventually began to move down the hallway after verifying that other SPD officers were at the other end. Officer McGuire was unaware that other SPD officers were on the other side of the building until that moment. Officer McGuire's BWC showed the team moving down the hallway and Mr. Hogan slumped in his wheelchair surrounded by other officers. As they advanced, Officer McGuire saw spent shell casings consistent with pistol casings and "bullet strikes" in the door of apartment D.

Officer McGuire's BWC video can be seen [here](#).

Detective Gregory DiPuccio

The following is based on Det. DiPuccio's written statement, both his and other officers' BWC footage, and SPD records. As detailed below, Det. DiPuccio's BWC captured Officer Mazzotti firing his rifle.

When Det. DiPuccio arrived at the apartment building, he saw a group of officers assembled at the front of the building preparing to enter the second-floor entrance. His BWC was active and recording from the moment he got out of his police car. He entered the building and proceeded through the second floor with Officer Mazzotti and Officer McGuire. When Officer Mazzotti reached the doorway from the mailroom to a long hallway, he stopped. Det. DiPuccio's BWC captured a man yelling down the hallway, and Officer Mazzotti yelling at the man to show his hands for about 20 seconds.

While Officer Mazzotti was giving commands, BWC captured the sound of a gunshot emanating from down the hallway, followed quickly by Officer Mazzotti firing his patrol rifle one time. The BWC footage captured the puff of smoke from Officer Mazzotti's rifle as he fired (see below).

Detective DiPuccio's BWC video can be seen [here](#).



Still photo from Det. DiPuccio's BWC video showing frame-by-frame comparison as Officer Mazzotti fired at Mr. Hogan.

Officer Richard Bougourd

Officer Bougourd declined OSI's request for an interview. The following is based on Officer Bougourd's written statement, both his and other officers' BWC footage, and SPD records.

Officer Bougourd was on duty just before 10:00 p.m. on May 13, 2025. He and Officer John Forrester were in SPD car #641 when they heard a dispatch reporting shots fired at North Townsend Street. When the two officers arrived at the apartment building, they activated their BWCs. Officer Bougourd's BWC showed he ran to the north-side entrance of the building off Hawley Street. At the scene, he told Sgt. Fahey he would take the lead of the entry team on the north side of the building. The team of officers proceeded up the stairwell to the second floor. The door to the floor opened inward, and when Officer Forrester opened it, Officer Bougourd entered first.

As he turned right, Officer Bougourd immediately saw Mr. Hogan approximately less than 15 feet away, seated in his wheelchair, holding a black pistol in his right hand. Mr. Hogan raised the pistol as Officer Bougourd shouted, "He has a gun." Mr. Hogan then fired one round, the sound of which was clearly captured on Officer Bougourd's BWC footage. Immediately after Mr. Hogan's shot, the BWC

captured the sound of another gunshot from around the corner down the hallway.

Initially believing that Mr. Hogan had shot himself, the officers advanced through the doorway and approached him. They saw Mr. Hogan slumped over in his wheelchair with a black pistol in his right hand. It was only at that point that Officer Bougourd realized another team of officers was also on the second floor.

Officer Bougourd's BWC video can be seen [here](#).



Still photo from Officer Bougourd's BWC video showing Mr. Hogan, in a wheelchair, raising gun.



Still photo from Officer Bougourd's BWC video showing Mr. Hogan as he fired at Officer Bougourd.

Sergeant Daniel Fahey

The following is based on Sgt. Fahey's written statement, his BWC footage, and SPD records.

Sgt. Fahey was near the apartment when the shots-fired calls came in, so he drove toward North Townsend Street and activated his BWC upon arrival. As he drove around the north side of the building on Hawley Street, his BWC captured what sounded like a gunshot. Sgt. Fahey radioed that he heard what he believed was a gunshot; he got out of his patrol car and assessed the situation. At that time, he did not know where Mr. Hogan was or in what direction the shots were being fired. While running to take cover behind another police SUV, he heard what he believed to be another gunshot. At that point, a woman inside the apartment building yelled out that the shooter was inside so Sgt.

Fahey proceeded to a side entrance on Hawley Street, where he and other officers encountered a man, Witness #1² (W1), outside the building who claimed to be a relative of the shooter. W1 was yelling at a man in a second-floor window who was later determined to be Mr. Hogan.

Sgt. Fahey's BWC video showed that Officer Brittani DeLucia spoke with W1, who stated that the shooter was on the second floor in a wheelchair and armed with a pistol. He reported that Mr. Hogan was upset about his children, was on drugs, and would shoot at police. After W1 was removed from the scene, Officer Seyman Omery shouted commands for Mr. Hogan to show his hands. Mr. Hogan did not comply and instead responded, "give me my kid."

Sgt. Fahey entered the building and then the stairwell directly behind Officer Bougourd. They ascended to the second floor, where an inward-swinging doorway led into a hallway. Officer Bougourd entered first, turned right, and immediately jumped back into the doorway, yelling "gun." In his statement, Sgt. Fahey said he heard two gunshots, followed by Officer Bougourd yelling, "he aced himself," referring to Officer Bougourd's initial belief that Mr. Hogan had shot himself.

Sgt. Fahey followed Officer Bougourd into the hallway, where he observed Mr. Hogan slumped over in his wheelchair holding a black pistol. Based on visible trauma to Mr. Hogan's head, Sgt. Fahey did not believe he was alive. Lieutenant Moore took the pistol from Mr. Hogan's hand, and Officer Montell Lyles secured the weapon.

Witnesses

Witness #1

SPD members spoke with W1, a relative of Mr. Hogan and a tenant in the apartment building, both briefly on scene and again after the incident in a formal interview at the Public Safety Building. W1 was outside the building when officers began to arrive. W1 reported becoming aware that Mr. Hogan was shooting after hearing a gunshot.

W1 also knew Witness #2 (W2) and said that W2 told W1 what happened and showed them a short cell phone video. The video depicted a man in a wheelchair, identified by W1 as Mr. Hogan, in the courtyard on the north side of N. Townsend Street. In the video, Mr. Hogan was holding an item that appeared to be a pistol. The video also captured an apparent gunshot. The location where Mr. Hogan was on the video is near where two 9mm shell casings were later recovered, as described below.

After seeing the video, W1 went to the courtyard to speak with Mr. Hogan, but Mr. Hogan was no longer outside. W1 then saw him on the second floor through a window. W1 reported hearing Mr. Hogan screaming and firing additional gunshots. W1 yelled at him to stop.

² OSI does not publish the names of civilian witnesses

According to W1, Mr. Hogan was upset about a child custody issue and made statements such as, “tell my daughter I love her” and “tell her I miss her.” W1 said they pleaded with Mr. Hogan to put the gun down, during which, police arrived. W1 cooperated with officers and provided them with information about the situation.

Witness #2

W2 was the first person to call 911 to report the gunfire and told dispatchers they were a tenant in the apartment building. W2 told dispatchers that a man in a wheelchair was outside in a courtyard near Hawley Street, yelling at someone and shooting a gun. W2 identified the man as Donnell Hogan and stated they had a short video recording of one of the shots being fired.

After ending the 911 call, W2 told W1 what happened and showed them the video.

Witness #3

Witness #3 (W3) lived in apartment D of the building. Based on review of the Onondaga County 911 Center’s audio recordings, W3 called 911 at 9:53 p.m. to report that Mr. Hogan was shooting at two people outside. W3 said they knew Mr. Hogan by name and knew he lived in the apartment building on the third floor.

W3 called 911 again at 9:57 p.m. to report that Mr. Hogan was now outside their second-floor apartment. W3 told dispatchers that Mr. Hogan was firing at their closed and locked apartment door and into their apartment. On the recording of the second 911 call, an apparent gunshot was captured.

Witness #4

Witness #4 (W4) lived in apartment E of the building. Based on their interview with SPD after the incident, W4 told police they had heard what sounded like gunshots in the hallway outside their apartment door. W4’s apartment was located at the end of the hallway.

W4 said they looked through their door’s peephole and saw Mr. Hogan in his wheelchair, yelling, seemingly at no one in particular. W4 recalled him saying, “call my daughter or y’all are gonna have to kill me.”

From inside their apartment, W4 heard someone shouting, “drop the gun.” When W4 looked out again, they heard additional gunshots. Looking through the peephole once more, W4 saw that multiple police officers were now in the hallway surrounding Mr. Hogan.

Evidence Collected at the Scene

Following the shooting, SPD members secured the scene, and the SPD Crime Scene Unit (CSU)

documented it by photographing and collecting items of evidentiary value. The above diagram indicates where relevant items were located.

A black SCCY Industries CPX-1, 9mm caliber semi-automatic pistol with an extended magazine was recovered from Mr. Hogan's right hand after he was shot. Officer Ryan Brimmer inspected the weapon's condition. The pistol contained a high-capacity magazine with numerous live rounds but no round in the chamber. The weapon had malfunctioned with a "stovepipe," meaning a spent cartridge casing failed to clear the ejection port and became lodged in the slide, preventing the slide from fully closing and loading an additional round. A firearm in this condition cannot discharge until the obstruction is cleared.

CSU members located one bullet hole in the door of apartment 209, with a projectile consistent with Officer Mazzotti's rifle ammunition lodged inside. This trajectory was in line with where Officer Mazzotti fired at Mr. Hogan. Two bullet impacts, one in the door and one in the door frame, were also found at apartment 208, consistent with the shots Mr. Hogan fired into the apartment, as reported by W3.

On the floor of the second-floor hallway, CSU members recovered two discharged 9mm shell casings, consistent with Mr. Hogan's ammunition, in the area near apartment 208. Additionally, one .223 rifle casing, consistent with Officer Mazzotti's rifle, was recovered near the doorway leading from the mailroom into the hallway near where he fired his patrol rifle.

CSU members found a bullet hole in the metal framing of the elevator entrance, which was adjacent to the stairwell door where Officer Bougourd emerged, consistent with the round fired by Mr. Hogan at Officer Bougourd. CSU members also recovered bullet fragments from the floor in that immediate area.

Outside the building, two 9mm shell casings, consistent with Mr. Hogan's pistol, were recovered near the area where W3 recorded Mr. Hogan firing a gun, consistent with the two reported shots Mr. Hogan fired outside. Additionally, a car two blocks away sustained extensive damage to its front passenger window, and a bullet was found lodged in the door frame.

Autopsy

After the shooting, Mr. Hogan was transported to the Onondaga County Medical Examiner's Office where the autopsy was to be performed. On May 15, 2023, Dr. Katrina M. Monday performed the autopsy and concluded that the cause of Mr. Hogan's death was "gunshot wound of head" and deemed the manner of his death to be "homicide." According to Dr. Monday's final autopsy report, Mr. Hogan was shot once in the left side of the head, with an exit wound on the right side of the head.

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 defense, not an affirmative defense, Penal Law Section (PL) 35.00. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1). As detailed below, based on the evidence in this investigation, OSI concludes that a prosecutor would be unable to disprove beyond a reasonable doubt that the use of deadly physical force by Officer Mazzotti was justified.

In this case, Officer Mazzotti used deadly physical force. Under PL 10.00(1) deadly physical force is “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.” Under PL 10.00(10) serious physical injury is “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 35.30 is the provision defining justification when a police officer or peace officer uses force to effect or attempt to effect an arrest for an offense.

PL 35.30(1) provides:

“A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.”

Under the law, therefore, deadly physical force by a police officer is justified when the officer reasonably believes deadly force is necessary to defend the officer or another against the imminent use of deadly physical force. Police officers using deadly force pursuant to PL 35.30(1) are under no duty to retreat when threatened with deadly physical force, according to PL 35.15(2)(a)(ii).

In *People v Jairo Castillo*, 42 NY3d 628, 631 (2024), the New York Court of Appeals stated:

“The defense of justification provides that a person may use physical force to defend himself against an assailant’s ‘imminent use of unlawful physical force,’ but does not authorize the use of ‘deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force’ (Penal Law § 35.15). When considering a request for a justification charge, courts examine

the evidence in the light most favorable to the defendant and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that ‘defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,’ and an objective requirement, that defendant’s ‘reactions were . . . those of a reasonable man acting in self-defense’ (*People v Collice*, 41 NY2d 906, 907 [1977]).” (Ellipses and square brackets in original.)

Therefore, before using deadly force in self-defense, a person must honestly and in good faith believe that deadly force was about to be used against them or another and that deadly force was necessary for self-defense, and a reasonable person under the same circumstances could have believed the same.

Here, the officers responded to the apartment building following reports that Mr. Hogan was actively firing a gun both inside and outside the building. After encountering Mr. Hogan in the hallway, Officer Mazzotti yelled commands for at least 20 seconds for Mr. Hogan to show his hands. Mr. Hogan did not show his hands to Officer Mazzotti. When Officer Bougourd emerged from the stairwell, Mr. Hogan raised his 9mm pistol and fired at the officer, nearly striking him. After seeing Mr. Hogan fire a pistol, Officer Mazzotti fired one time, striking and killing Mr. Hogan.

Based on the law and the evidence, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Mazzotti’s use of deadly force against Mr. Hogan was justified under New York law. As a result, OSI will not seek charges and closes the matter with this report.

Dated: November 26, 2025