Office of the New York State Attorney General Letitia James

Office of Special Investigation

December 19, 2024

Report on the Investigation into the Death of Shawn Sheridan

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 Shawn Sheridan.

On August 10, 2023, New York State Police Trooper Conner Sutton shot Shawn Sheridan, causing his death. After a full evaluation of the facts and the law, OSI will not seek charges against Trooper Sutton, 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 August 10, 2023, members of the St. Lawrence County Sheriff's Office (SLCSO), assisted by the New York State Police (NYSP), Canton Village Police Department (CVPD), and the St. Lawrence County District Attorney's Office, formed a search detail to execute a bench warrant issued by the St. Lawrence County Supreme Court for Shawn Sheridan.

While searching a wooded area in the Donnerville State Forest in the Town of Russell, officers came upon Mr. Sheridan, who was fully dressed in camouflage and was armed with two long guns. Upon observing Mr. Sheridan, Trooper Sutton yelled a verbal command and released K9 Officer "Skiff," a German Shepherd.

Mr. Sheridan fired one shot from a rifle toward the officers; Trooper Sutton responded by firing six shots from his duty rifle, striking Mr. Sheridan once in the head. Mr. Sheridan died on scene.

Background

According to court records, on July 18, 2023, Shawn Sheridan failed to appear at the Integrated Domestic Violence (IDV) Part of St. Lawrence County Supreme Court for sentencing on a felony conviction. Mr. Sheridan had previously pleaded guilty to Attempted Assault in the First Degree, admitting that he attempted to cause serious physical injury to a person by shooting her in the neck with a rifle on March 9, 2022. The court sentenced him *in absentia* to a prison term of 12.5 years and issued a bench warrant.

Based on a CVPD report reviewed by OSI, on July 27, 2023, Civilian Witness One (CW-1) contacted the CVPD and reported that her 19-year-old daughter, Civilian Witness Two (CW-2), was missing and expressed concern for her safety. (OSI does not publish the names of civilian witnesses.) CW-2 was not the victim in the incident for which the bench warrant had been issued.

CW-1 advised police that she had last heard from CW-2 on June 20, 2023. She also advised that CW-2's cell phone records showed that she had last used her phone on June 25, 2023, somewhere near Plattsburgh, in Clinton County. CW-1 reported that CW-2 had been living with her boyfriend, Shawn Sheridan, at 8 Mechanic Street in the Village of Canton, St. Lawrence County.

According to the CVPD report, on July 28, 2023, Sgt. James Stone of the CVPD contacted the North Country Crime Analysis Center (NCCAC) to request that a missing persons bulletin be generated for CW-2. On July 31, 2023, the NCACC issued that bulletin, which OSI has reviewed. That same day, Sgt. Stone filed a missing person report through eJusticeNY, a portal that provides law enforcement agencies access to computerized information.

Based on a written summary by St. Lawrence County District Attorney's Office Chief Investigator Daniel Mousaw, and his subsequent emails to and conversation with OSI, on August 8, 2023, while reviewing bank and business records received by subpoena, he identified a Verizon cell phone number associated with CW-2's DoorDash account (a food service delivery app) and contacted the SLCSO, which in turn requested Verizon to "ping" CW-2's cell phone number to determine its location.

("Pinging" is slang for a process in which a cellular service provider sends a signal to a cell phone and determines the phone's real time location from cell tower locations and Global Positioning System (GPS) technology. Given the exigent circumstances indicated by the length of time CW-2 had been missing and Mr. Sheridan's previous use of a weapon against a person, law enforcement did not seek a search warrant to ping CW-2's cell phone.)

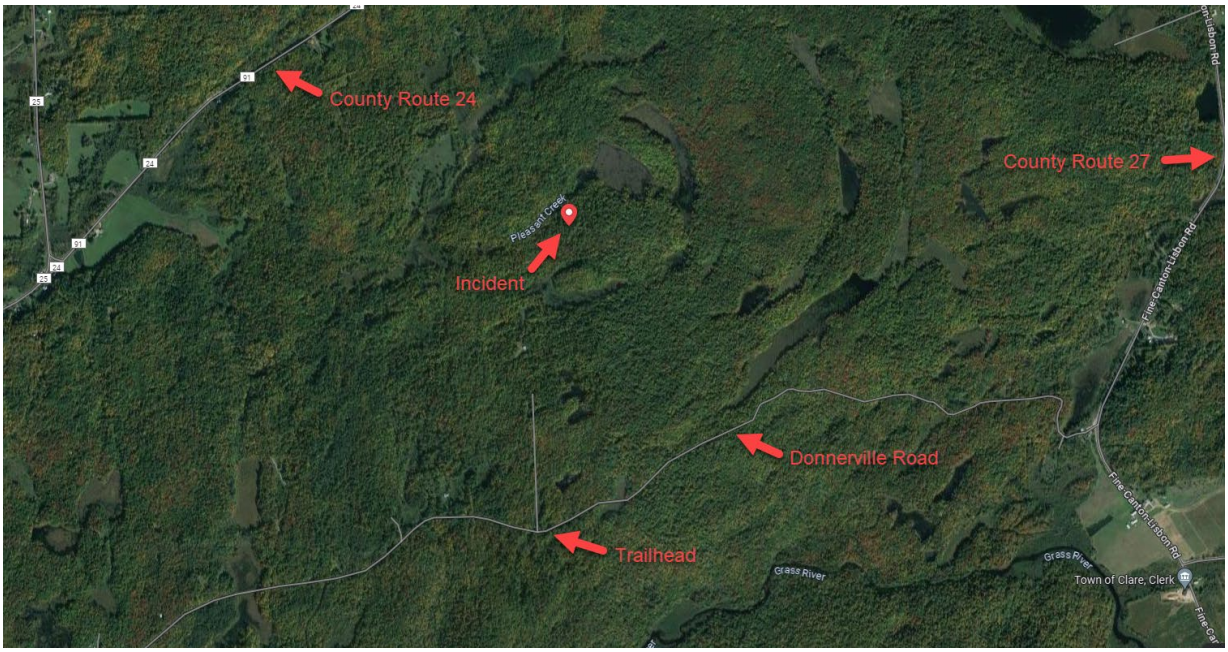
In his investigative summary, Inv. Mousaw said that the "ping" indicated that the phone was on and was near a camping area close to an established foot trail in the Donnerville State Forest, in the Town of Russell. Inv. Mousaw said that he believed the location was significant because Mr. Sheridan's family owned a hunting camp in the Donnerville State Forest.

On August 9, 2023, after a further review of subpoenaed records, Inv. Mousaw discovered multiple credit card purchases had been made at the Walmart in Potsdam, New York. That day, he contacted the loss prevention officer at Walmart, who provided receipts and an itemized list describing each item, which were consistent with items for a camping excursion.

According to Inv. Mousaw, on the morning of August 10, 2023, he joined officers from the NYSP, SLCSO, and CVPD to search the Donnerville State Forest for Mr. Sheridan and CW-2. Members of the NYSP Electronic Surveillance Unit (ESU) hovered above the woods in an Aviation Unit helicopter and used a "Triggerfish" to identify the location of CW-2's cell phone.

(A "Triggerfish" is a mobile cell site simulator that receives and transmits signals like a cell tower. Nearby cellular devices identify the simulator as a cell tower and transmit signals to it. Based on the direction and strength of the signal, law enforcement can identify the general location of a cell phone. Believing exigent circumstances existed, officers did not obtain a search warrant or court order authorizing the use of the Triggerfish.)

ESU Sr. Inv. Jeffrey Wait told OSI that officers in the helicopter advised the ground search team about the cell phone's general location. Sr. Inv. Wait said they could not visualize any tents from the helicopter because of the tree canopy and foliage.



The image above shows the incident location in the Donnerville State Forest, in the Town of Russell.

Police Approach

The narrative in this section is based on OSI interviews of SLCSO Detectives Benjamin Rockwood, Arthur Shattuck, and Brian Thivierge, OSI's review of post-incident photos taken of Trooper Sutton, and OSI's review of Det. Rockwood's Body Worn Camera (BWC) (which can be viewed here, Rockwood BWC, redacted pursuant to OSI's published video release policy).

The search team from the NYSP and SLCSO who encountered Mr. Sheridan were dressed in earth-tone colors or in camouflage, rather than standard uniforms. All officers wore some type of patch, insignia, or lettering that identified them as law enforcement. Trooper Sutton wore gray pants and a gray shirt with a "NYSP K9" patch on the left arm; he wore a black tactical vest that said "State Police" on the right chest. He was holding a leash with K9 Skiff, who had a police-issued harness.

Mr. Sheridan's campsite was in a moderately wooded area with sloping hills. The tents were in a depressed area between ridges. The search team approached from the high side of a ridge, so officers were in an elevated position compared to Mr. Sheridan. As the search team moved across a "bench" or plateau, toward the edge of a ridge, various team members observed Mr. Sheridan's tents in a depression.

In the photo above, the campsite is circled, and the ridge appears on the right side of the photo.

Officer Accounts of the Incident

Trooper Conner Sutton, NYSP

Through counsel, Trooper Sutton refused to be interviewed by OSI or to provide a written statement.

Senior Investigator Steven Bos, NYSP

Sr. Inv. Bos provided a written statement on the date of the incident, and OSI was present when he was interviewed that day. Through counsel, he refused to be interviewed further by OSI.

Sr. Inv. Bos said that while the search team was in the woods, he was in direct communication with NYSP members in the helicopter, who guided the search team's direction based upon the location of the cell phone. He said that SLCSO Det. Benjamin Rockwood observed "a tent and several tarps" as the search team walked in the woods. Since officers were aware that Mr. Sheridan had recently purchased tarps, the search team then spread out. As the officers spread out, they did not always have a direct line of sight on each other due to trees, brush, and changes in topography. Sr. Inv. Bos heard Trooper Sutton yell, "Show me your hands."

Sr. Inv. Bos observed a man and a woman 25 yards away, who were standing on a gradual slope below the officers; both were dressed in camouflage. The woman, later identified as CW-2, immediately turned around and started to run away. Although Mr. Sheridan was partially

obscured by foliage, Sr. Inv. Bos saw that he held a long gun. Sr. Inv. Bos then heard Trooper Sutton yell that he was going to release his K9, which he did.

As K9 Skiff moved toward Mr. Sheridan, Sr. Inv. Bos heard Trooper Sutton yell, "Gun, gun, gun," followed by four to six shots, although he was unsure who had fired. Sr. Inv. Bos saw that K9 Skiff had reached Mr. Sheridan, who was now on his back. Initially, Sr. Inv. Bos was unsure whether Mr. Sheridan had been taken down by a shot or K9 Skiff. Sr. Inv. Bos asked if any member of the search team had been hit, and Trooper Sutton responded that he believed K9 Skiff had been shot.

Sr. Inv. Bos contacted 911 to report shots fired and requested backup. He walked to a spot with cellular service to make notification to a senior officer and remained on scene until other law enforcement arrived.

Detective Benjamin Rockwood, SLCSO

Det. Rockwood provided a written statement on the day of the incident, and OSI interviewed him at a later date.

Det. Rockwood said that while coming down a hill and moving toward the edge of a ridge, he saw a tent and, shortly thereafter, a person, who he later learned was CW-2, in a camouflage ghillie suit (a type of fringed camouflage suit) running in the other direction. Det. Rockwood observed K9 Skiff moving and heard someone yelling, although he does not recall who yelled or their exact words. Det. Rockwood heard one or two gunshots. In the moment, he did not recognize it as the sound of a rifle. Since Mr. Sheridan was behind a tree, Det. Rockwood did not see either Mr. Sheridan or his weapon when he heard the first shot, but he saw the "spray" from Mr. Sheridan's weapon. He estimates that only one to two seconds elapsed from when he saw K9 Skiff move to when he saw the "spray" from Mr. Sheridan's weapon.

After Mr. Sheridan fired his weapon, Det. Rockwood heard multiple gunshots, but he did not see Trooper Sutton fire his weapon or see Mr. Sheridan get struck or fall. After the gunshots ended, Det. Rockwood took cover and, from that position, saw Mr. Sheridan on the ground, lying face up, with a long gun across his chest.

Det. Rockwood said officers approached Mr. Sheridan once they determined it was safe to do so. Det. Rockwood observed a gunshot wound to Mr. Sheridan's left eye and knew he was dead. Det. Rockwood was able to positively identify Mr. Sheridan.

Detective Brian Thivierge, SLCSO

Det. Thivierge provided a written statement on the date of the incident, and OSI interviewed him at a later date.

Det. Thivierge said that, as the search team approached a ridge edge, he noticed the tents that Mr. Sheridan had erected. He alerted Sr. Inv. Bos, who was to his left, by pointing. He then snapped his fingers to get the attention of Trooper Sutton, who was 10 feet to his right. Trooper Sutton was holding K9 Skiff on a leash. Once he snapped his fingers, Det. Thivierge noticed

movement in front of them and suddenly saw Mr. Sheridan, who had blended in with the woods due to his camouflage clothing. Mr. Sheridan was 8 to 10 yards away when Det. Thivierge heard Trooper Sutton yell, "He has a gun." He heard Trooper Sutton issue a police command, although he does not recall exactly what he said. Trooper Sutton released K9 Skiff.

Det. Thivierge said Mr. Sheridan fired a weapon and started going down the hill, very low to the ground, and that Sutton returned gunfire. Given how quickly events unfolded, Det. Thivierge was uncertain how many shots Trooper Sutton fired or whether Mr. Sheridan fired his weapon again. After the gunfire ended, Det. Thivierge moved behind Trooper Sutton to get a better vantage point and, from there, observed Mr. Sheridan lying on his back, with his feet uphill, toward the officers.

Trooper Sutton recalled K9 Skiff and said the dog had been shot. Det. Thivierge directed him to remove the dog from the scene. Trooper Sutton grabbed K9 Skiff and headed toward their vehicles. (Officers believed that K9 Skiff had been shot because they saw blood on his fur. They took him to a veterinarian who found no significant wounds. The blood on K9 Skiff may have been Mr. Sheridan's.)

Det. Thivierge observed a long gun across Mr. Sheridan's chest, so he called over SLCSO Deputy Brandon Yerdon, one of the two snipers on their team. Dep. Yerdon came over and held cover on Mr. Sheridan, who was 20 yards away. Det. Thivierge said CW-2 was at the bottom of the hill, 50 yards away, and was yelling. Det. Thivierge directed Dep. Yerdon to call out to CW-2 and instruct her to lie on her stomach. Once she did so, Det. Thivierge went to her, confirmed her identify, and handcuffed her. He walked her up the hill and turned her over to NYSP Inv. Joseph Knox.

<u>Inv. Joseph Knox – NYSP</u>

Inv. Knox provided a written statement on the date of the incident. Through counsel, Inv. Joseph Knox refused to be interviewed by OSI.

Inv. Knox said that, after searching an old camp in the woods and finding no one there, the search team began climbing up a ridge, moving closer to the ping. Inv. Knox said that one of the officers motioned toward the bottom of the ridge, which is when Inv. Knox observed a camouflaged tarp in the shape of a tent, which was lower than the officers' position.

Once Inv. Knox saw the tent, he heard a short period of gun fire, then a pause, and then more gun fire. He was unsure who was shooting or where the shots were coming from. Inv. Knox did not see Mr. Sheridan before or after hearing shots fired, nor did he see Trooper Sutton fire his weapon. After the shooting Inv. Knox took CW-2 into custody and removed her from the scene to a secure area. He asked CW-2 if there was anyone else at the campsite or if there were any other guns. She said no one else was at the campsite but said there were two more loaded guns there. Inv. Knox said CW-2 stated that Mr. Sheridan was "primed for this moment."

Detective Scott Galligan - SLCSO

Det. Galligan provided a written statement on the date of the incident, and OSI interviewed him at a later date.

Det. Galligan said that, as the search team approached the edge of a ridge, he heard multiple gunshots but did not witness the exchange. He did not see Mr. Sheridan before shots were fired, nor did he see Trooper Sutton fire his weapon.

Deputy Hunter Yerdon – SLCSO

Det. Yerdon provided a written statement on the date of the incident.

Det. Yerdon said that, as the search team moved through the woods, he was toward the back of the formation. He suddenly heard a gunshot, followed by another gunshot, and then several consecutive gunshots in rapid fire. He did not see Mr. Sheridan before shots were fired. During the shooting, Dep. Yerdon moved for cover near Det. Thivierge. He heard Trooper Sutton say his K9 had been hit. While in cover, Dep. Yerdon observed Mr. Sheridan lying on the ground, with blood coming from his head and a long gun across his chest. He gave verbal commands for Mr. Sheridan to drop his weapon, but Mr. Sheridan did not move.

From the covered position, Dep. Yerdon could see the campsite, which was downhill. He ordered CW-2 to show her hands and slowly move toward his voice, which she did. Dep. Yerdon assisted other officers in taking CW-2 into custody, which occurred without incident.

CW-2

OSI interviewed CW-2 three months after the incident at her attorney's office.

CW-2 said she was Shawn Sheridan's girlfriend and had lived with him for 14 months prior to August 10, 2023. CW-2 said she accompanied Mr. Sheridan to a cabin owned by his family in July 2023. She said Mr. Sheridan preferred to camp outside, so they set up tents in the woods rather than stay in the cabin. (Based on NYSP reports, the campsite was about half a mile from the cabin.) CW-2 believed they were just camping, as they had done previously. She did not know Mr. Sheridan had missed court, and he had not told her about the bench warrant.

Once in the woods, the couple did not leave. They ate food that they brought or that was already in the cabin. They also trapped small animals and fished in a nearby stream, drying out minnows to make jerky. After two to three weeks, CW-2 questioned why they were still camping and told Mr. Sheridan she wanted to go home. CW-2 said Mr. Sheridan did not physically restrain her or make any specific threats but stated she would not like what would happen if she tried to leave, so she remained. CW-2 also said she stayed because she was two months pregnant and feared Mr. Sheridan might kill her and the baby. They were in the woods for about a month.

CW-2 said that on the morning of August 10, 2023, the sound of the police helicopter woke her and Mr. Sheridan. Mr. Sheridan quickly put on a camouflage outfit and told CW-2 to get dressed. When CW-2 stepped out of the tent, Mr. Sheridan was on the side of the ridge, above their campsite. As CW-2 walked up to meet him, Mr. Sheridan told her not to move and to be quiet. Mr. Sheridan had a shotgun on a sling, with a rifle on the ground nearby. CW-2 did not at first see police officers but suddenly heard a loud voice shout "Hey," so she turned and moved quickly back toward the campsite to get to safety, but fell as she started down the hill. She heard three gunshots in quick succession, which she believed came from the same weapon. She did not see who had fired the shots. CW-2 said that she did not hear Mr. Sheridan's shotgun discharge and does not believe he fired it.

She said that, after Mr. Sheridan was shot, officers found her near the camp site, handcuffed her, and took her into custody; she did not resist. CW-2 said she told the officers there were other loaded weapons at the campsite. CW-2 denied telling Inv. Knox that Mr. Sheridan was "primed for this moment."

Body Worn Camera (BWC)

No BWC captured the shooting.

Immediately after the shooting, at 12:50 p.m., Det. Rockwood activated his BWC. The video showed officers taking cover, seemingly because they were unsure of Mr. Sheridan's condition and whether he still posed a threat. Officers made repeated statements indicating Mr. Sheridan was still breathing. They also observed that Mr. Sheridan's right hand was still near the trigger or stock of a long gun, which was resting across his torso.

Between 12:50 and 1:07 p.m., officers repeatedly called to Mr. Sheridan to push the gun off his chest and repeatedly said they wanted to help him, but that they first needed him to push the gun away. At 1:07 p.m., officers concluded Mr. Sheridan was no longer breathing. After coordinating their approach, officers reached Mr. Sheridan at 1:11 p.m. They immediately observed a gunshot wound to his head and determined he was dead.

BWC showed Mr. Sheridan on his back, feet slightly elevated, oriented toward the top of the ridge; his head was oriented toward the camp site. He was wearing a fringed camouflage body suit with its hood pulled up, and a tactical vest and ammunition bandolier. A loaded Churchill 612 pump-action 12-gauge shotgun lay across his body, with the stock resting on his right shoulder; his right hand was near the grip. A bolt-action Mossberg Patriot 30-06 rifle lay on the ground next to him.

Photo showing Mr. Sheridan's position as officers found him after the shooting.

Crime Scene

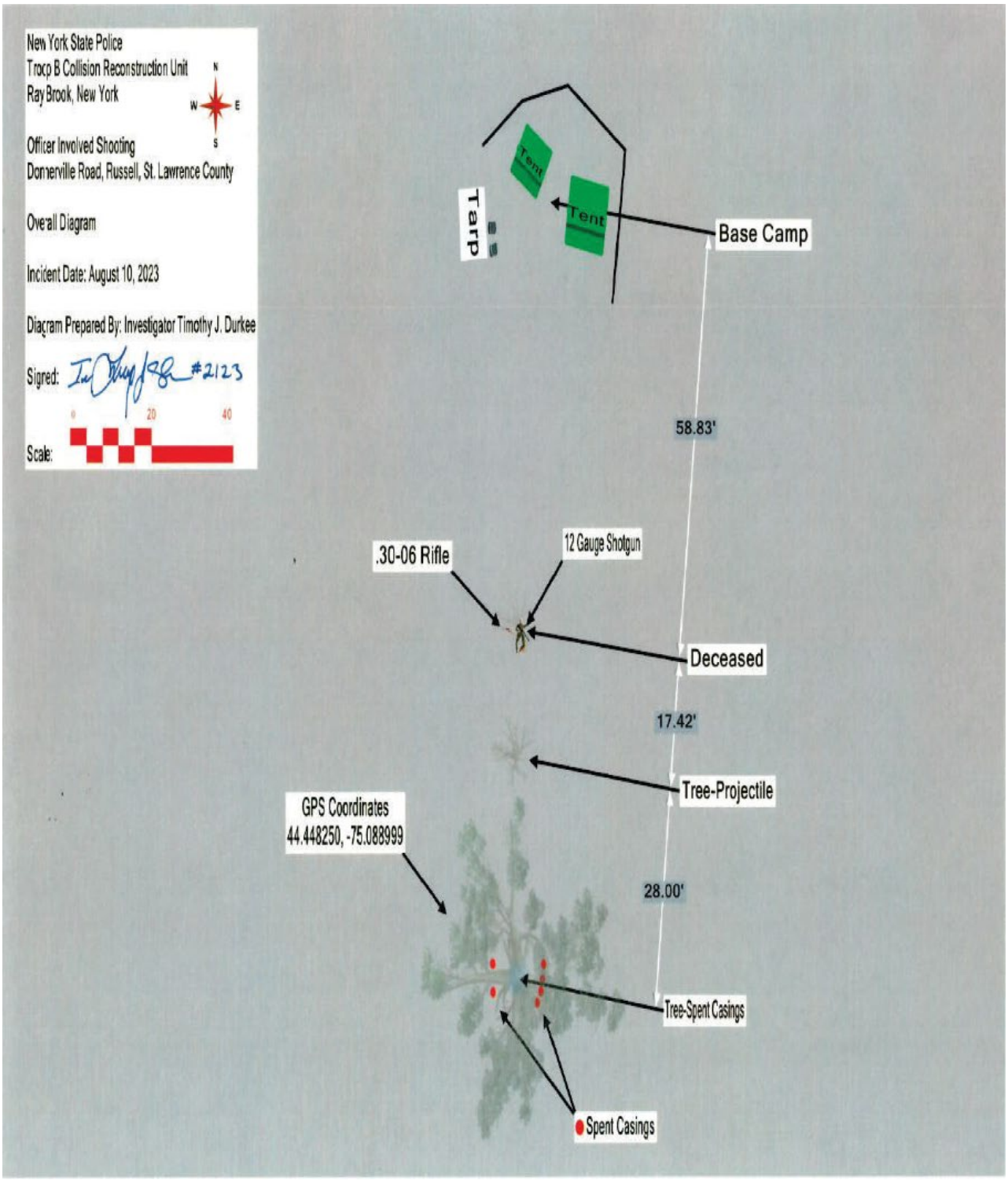
According to the Supplemental Report by NYSP Forensic Identification Unit (FIU) Sr. Inv. Brendan Frost, FIU investigators arrived at the trailhead on Donnerville Road at 2:30 p.m. and proceeded to the camp site. They photographed the scene and secured various items of evidence, including the shotgun and rifle. The rifle had a spent casing in the chamber; the shotgun had a live round of buckshot in the chamber. NYSP subsequently test-fired the guns and determined that both were operable. An ATF Firearms Trace revealed that Mr. Sheridan's twin brother had purchased the guns in 2021.

Investigators secured and examined Trooper Sutton's Rock River Arms LAR-15 semi-automatic rifle. They removed one Remington .223 round from the firing chamber; the attached 30-round magazine had 23 rounds of Remington .223 ammunition. The state of the load was consistent with Trooper Sutton having fired seven shots if his rifle had been fully loaded. Trooper Sutton also possessed two additional magazines, both of which were fully loaded with 30 rounds of Remington .223 ammunition.

FIU members scanned the scene and took measurements. In an area 45 feet south of where Mr. Sheridan lay after the shooting, investigators found six .223 spent casings near the base of a large tree. Testing showed that these casings were ejected from Trooper Sutton's rifle. Between this tree and Mr. Sheridan, investigators found another tree with an apparent bullet

strike on its north side; Mr. Sheridan was north of Trooper Sutton's position. Investigators attempted, unsuccessfully, to recover a projectile from the tree.

Photo showing Mr. Sheridan's position relative to the campsite.



FIU diagram showing the locations and relative distances of evidentiary items. The diagram is not to scale as it was reformatted to fit this page.

Autopsy

On August 11, 2023, Dr. Scott LaPoint from Scientific Consulting of Western New York, Inc. performed an autopsy on Mr. Sheridan and determined that the cause of death was a single gunshot wound to the head, with the point of entry near Mr. Sheridan's left eye (supraorbital

ridge). The projectile was not recovered; Dr. LaPoint determined that the projectile exited the left occipital skull. Dr. LaPoint ruled that the manner of death was Homicide. A blood sample sent to NMS Labs for toxicology testing came back positive for Ethanol, Delta-9 Carboxy THC, Delta-9 THC, Buprenorphine, Norbuprenorphine, 7-Amino Clonazepam, Quetiapine, and Gabapentin. Although not contributing to Mr. Sheridan's death, Dr. LaPoint observed abrasions and lacerations to Mr. Sheridan's left forearm that were consistent with being bitten by K9 Skiff.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person is justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. Unlike an affirmative defense, the prosecutor has the burden at trial of disproving a defense beyond a reasonable doubt, PL 25.00(1). To obtain a conviction at trial, "The People [would be] required to prove beyond a reasonable doubt that [Trooper Sutton] was not justified" in using deadly physical force against Mr. Sheridan. NY Criminal Jury Instructions 2d, PL 35.15(1).

PL 35.30(1) defines justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense as follows:

> "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."

Police officers using deadly physical force pursuant to PL 35.30(1) are under no duty to retreat, PL 35.15(2)(a)(ii).

The Court of Appeals, in *People v Goetz*, 68 NY2d 96, 114-115 (1986), said that "reasonable belief" has both subjective and objective components: the subjective component is satisfied if the person using force actually believed, "honestly and in good faith," that deadly force was about to be used against that person or another, and that the use of deadly force was necessary to prevent or stop the danger, whether or not the belief was accurate; the objective component is satisfied if a "reasonable person" under the same circumstances could have held the same belief. See also *People v Wesley*, 76 NY2d 555 (1990).

Based on the felony bench warrant, officers had legal cause to arrest Mr. Sheridan. When Mr. Sheridan fired a rifle at approaching officers, Trooper Sutton had a reasonable basis to believe that Mr. Sheridan intended to imminently use deadly physical force against him personally and/or against other officers present. Thus, Trooper Sutton had a reasonable basis to believe that deadly force was necessary to stop the danger posed by Mr. Sheridan.

Based on its investigation, OSI concludes that a prosecutor could not disprove beyond a reasonable doubt that Trooper Sutton's use of deadly force was justified under Article 35 of the Penal Law and will close this matter with issuance of this report.

Dated: December 19, 2024