

STATE OF NEW YORK COUNTY OF LIVINGSTON

VILLAGE COURT VILLAGE OF CALEDONIA



People of the State of New
 York
 vs.

 DEFENDANT

SUPPORTING DEPOSITION GENERAL

I, ANGELA M. KENNEDY, stationed at 3110 MAIN STREET CALEDONIA NY 14423 , by this Supporting Deposition make the following allegations of fact in connection with an accusatory instrument filed, or to be filed, with this court against the above named defendant:

ON NOVEMBER 6TH 2009 AT ABOUT 3:21PM I AM A BANK TELLER SUPERVISOR AT FIVE STAR BANK IN THE VILLAGE OF CALEDONIA. I NOTICED PHILIP STEWART WALK INTO THE BANK, AND MEGAN DAILEY (ANOTHER TELLER) WAITED ON HIM. MICHELLE BARBER (THE BRANCH MANAGER) WALKED OUT OF HER OFFICE, AND WAS AWARE THAT HE WAS IN THE BANK.

A FEW WEEKS AGO I WAS WEARING A LEOPARD PATTERN SHIRT AND HE ASKED ME IF HE COULD "PET THE KITTY," WHILE HE HELD HIS RIGHT HAND UP. AFTER HE LEFT THE BANK THAT DAY I TOLD THE BRANCH MANAGER WHAT HAD HAPPENED. MICHELLE (THE MANAGER) TOLD ME THAT SHE WOULD SPEAK TO HIM WHEN HE COMES IN AGAIN.

AS PHILLIP WAS GETTING READY TO LEAVE THE BANK, MICHELLE ASKED TO SPEAK TO HIM. HE AGREED, AND WENT INTO HER OFFICE WITH HER. THE DOOR TO MICHELLES OFFICE WAS OPEN, AND THERE WERE CUSTOMERS OUTSIDE THE DOOR. MICHELLE AND PHILLIP WERE HAVING A CONVERSATION IN THE OFFICE, AND IT BEGAN TO GET LOUD. THE CONVERSATION GOT LOUD ENOUGH TO BE HEARD AT THE TELLER LINE. AT THAT POINT, ERIC SIMMS WAS AT THE TELLER CONDUCTING A TRANSACTION. AS THE CONVERSATION GOT LOUDER, ERIC SIMMS TRIED TO INTERJECT AND CALM THE SITUATION DOWN. I DON'T REMEMBER THE SPECIFIC WORDS USED IN THE CONVERSATION, BUT I DO REMEMBER HEARING PHILLIP USING VULGAR WORDS. AT THAT POINT, PHILLIP CAME OUT MICHELLE'S OFFICE, AND PROCEEDED TO THE TELLER LINE TO TALK TO MEGAN. PHILLIP WAS SAYING THAT HE NEVER HAD HARASSED ANYONE HERE. MEGAN THEN REBUTTLED SAYING "I DON'T HAVE ANYTHING TO DO WITH IT." PHILLIP KEPT TRYING TO CONTINUE A CONVERSATION WITH MEGAN. AT ABOUT THAT TIME, MICHELLE ASKED PHILLIP TO LEAVE, HE REFUSED AND BEGAN TO GET VERBAL AGAIN. ERIC ALSO ASKED HIM TO LEAVE. AT THAT MOMENT I HAD MY BACK TURNED TO THEM, AS I WAS WAITING ON A CUSTOMER. I THEN HEARD MICHELLE GASP VERY LOUDLY, AND I TURNED AROUND AND SAW A SILVER REVOLVER IN THE HAND OF PHILLIP STEWART. THE REVOLVER WAS POINT IN THE DIRECTION OF MICHELLE AND ERIC, ALTHOUGH I CAN'T BE SURE WHO EXACTLY IT WAS POINTED AT. AFTER I SAW THE GUN, I TOLD CHRIS GREEN WHO WAS IN THE BANK TO GET OUT IF HE COULD. I ALSO YELLED TO TRY AND DISTRACT OR REDIRECT PHILLIP'S MINDSET. PHILLIP MADE A DEROGGATORY REMARK ABOUT BLACK PEOPLE AND KEPT SAYING HE

I DON'T SEE A REVOLVER

NO VIDEO?

? How does she know this

SIMS DID COME TO OFFICE TO TALK BEING BEHIND COUNTER HE COULD SEE THIS OR WHERE WAS SHE TO KNOW WHAT HAPPENED THROUGH BANK

DIDN'T MEAN FOR THIS TO HAPPEN, BUT THAT HE HAD TO PROTECT HIMSELF. THEN PHILLIP WALKED OUT OF THE BANK.

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*Verification By Subscription And Notice
Under Penal Law Section 210.45*

It is a crime, punishable as a Class A. Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

AFFIRMED UNDER PENALTY OF PERJURY THIS
6 Day of November, 2009


DEPONENT