

11, I

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

PHILIP E STEWART

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF LIVINGSTON

VILLAGE OF CALEDONIA

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF LIVINGSTON

VILLAGE OF CALEDONIA

WITNESS WAS STATED AS TO WHY SHE TALKED TO ME AND SHE WAS NOT STANDING BEHIND ME

Date	Time Started	Full Name	
11/06/2009	04:11 PM	MEGAN L DAILEY	C-794-1262
Date of Birth	No. and Street	CITY	State
12/23/1986	832 SANDHILL RD	CALEDONIA	NY

State The Following:

ON 11/06/09 AT APPROXIMATELY 3:15PM, I WAS WORKING AS A BANK TELLER AT THE FIVE STAR BANK ON MAIN ST. IN THE VILLAGE OF CALEDONIA. I WAS BEHIND THE COUNTER IN THE MAIN LOBBY. I NOTICED AN OLDER WHITE MALE WEARING A TAN COLORED SWEATER OVER A BLUISH GRAY BUTTON SHIRT, COME IN THE BANK THROUGH THE MAIN ENTRANCE. I SAID HELLO TO HIM AS HE CAME IN. HE DID NOT SAY ANYTHING TO ME. HE ONLY MADE A HAND GESTURE TO ME AND WENT TO A SIDE COUNTER AND BEGAN TO FILL OUT SOME PAPERWORK. WHILE THIS MAN WAS AT THE COUNTER, A CUSTOMER BY THE NAME OF ERIC SIMMS, APPROACHED MY STATION. I TOLD ERIC TO STEP ASIDE BECAUSE I WAS INTENDING TO WAIT ON THE OLDER WHITE MALE WHO WAS AT THE SIDE COUNTER. AFTER APPROXIMATELY ONE MINUTE, THIS OLDER WHITE MALE CAME TOWARD MY STATION. HE CAME TO MY STATION WITH A PERSONAL CHECK MADE OUT TO CASH IN THE AMOUNT OF \$31.00. I ASKED THIS MAN TO ENDORSE THE BACK OF THE CHECK BEFORE I WOULD GIVE HIM THE MONEY. HE MADE A COUPLE OF COMMENTS TO ME, BUT WILLINGLY SIGNED THE BACK OF THE CHECK. I GAVE HIM THE \$31.00 AND WAS FINISHED WITH HIS TRANSACTION. AT THIS POINT, MY MANAGER, MICHELLE BARBER, WAS STANDING BEHIND THE MAN. SHE WANTED TO SPEAK TO HIM AFTER I WAS FINISHED WITH HIS BANKING, BECAUSE HE HAD MADE INAPPROPRIATE COMMENTS TO ONE OF MY CO-WORKERS ON A PREVIOUS OCCASSION. THIS MAN WENT INTO MICHELLE'S OFFICE WITH HER. AFTER A SHORT TIME I HEARD HIS VOICE BECOMING LOUDER WITH MICHELLE. MICHELLE WAS WALKING WITH HIM FROM HER OFFICE AND I HEARD HER ASK HIM TO PLEASE LEAVE. AT THIS POINT THE MAN BECAME MORE AGITATED AND STARTED YELLING. HE WAS USING OBSCENE LANGUAGE AND GETTING MORE AGITATED. AT THIS POINT ERIC SIMMS, ASKED THE GUY TO STOP TALKING TO MICHELLE BARBER IN THE MANNER HE WAS, AND TO PLEASE LEAVE. THE MAN THEN APPROACHED MY STATION AGAIN AND STARTED YELLING AT ME ASKING ME WHAT MY PROBLEM WAS WITH HIM. I TOLD HIM THE

WHY

NOT TRUE

I ALWAY FORGET TO SIGN THE BACK OF THE CK" & ASK FOR SMILES

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true, has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor

Affirmed under penalty of perjury

this 8th day of NOVEMBER, 2009

Megan Dailey (SIGNATURE OF DEPONENT)

- OR -

Subscribed and Sworn to before me

this day of

WITNESS:
 Tipi Mal D. Melle
 TIME ENDED 11/06/2009 04:47 PM
 NAME OF PERSON TAKING DEPOSITION

NEW YORK STATE POLICE

State The Following:

MATTER WAS BETWEEN HE AND THE MANAGER. THE MAN CONTINUED TO YELL AND CONTINUED TO SWEAR AND USE OBSCENE LANGUAGE. ERIC SIMMS AGAIN ASKED THIS MAN TO LEAVE THE BANK. HE TOLD ERIC SIMMS TO MIND HIS OWN BUSINESS. ERIC AND THIS MAN HAD A VERBAL EXCHANGE WITH EACH OTHER AFTER THIS. THE MAN CONTINUED TO YELL, THEN TURNED AROUND AND PUSHED ERIC SIMMS. ERIC PUSHED THE MAN BACK AND TOLD HIM NOT TO TOUCH HIM. AT THIS POINT THE MAN PULLED A SILVER COLORED HANDGUN FROM UNDER HIS SWEATER AND POINTED IT AT ERIC SIMMS. HE WAS YELLING AT ERIC, AND CONTINUED TO SWEAR AND USE OBSCENE LANGUAGE. HE HAD THE HANDGUN POINTED AT ERIC SIMMS THE WHOLE TIME HE WAS YELLING AT HIM. I SAW MY MANAGER ON THE PHONE WHILE THE MAN HAD THE GUN POINTED AT ERIC. SHE SUDDENLY DROPPED THE PHONE AND WENT TOWARD HER OFFICE. I PICKED UP THE PHONE AND BEGAN TO SPEAK TO THE PERSON ON THE PHONE. I ASSUMED IT WAS SOMEONE FROM 911. I TOLD THE 911 DISPATCHER WHAT WAS HAPPENING AND HE TOLD HIM THE MAN HAD A GUN. A SHORT TIME THE MAN WITH THE GUN LEFT THE BANK AND I SAW A POLICE OFFICER PULL UP TO THE BANK. I HEARD THE MAN YELLING WHILE OUTSIDE THE BANK. THIS WAS THE END OF MY INVOLVEMENT.

MD

~~STRIKED OUT~~

THIS WOMAN IS NOT JUST MISTAKEN SHE IS OBTAINING LYING ABOUT WHAT HAPPENED WHAT WAS SAID & WERE EVENT HAPPENED. SEE VIDEO

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 6th day of NOVEMBER, 2009

Meghan Dailey
(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

Tp. Mark D. Miller
(NAME OF PERSON TAKING DEPOSITION)

Time Ended
11/06/2009 04:47 PM

* This form need be sworn to only if the deponent is required to do so.