

STATE OF NEW YORK  
COUNTY COURT

COUNTY OF MONROE

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

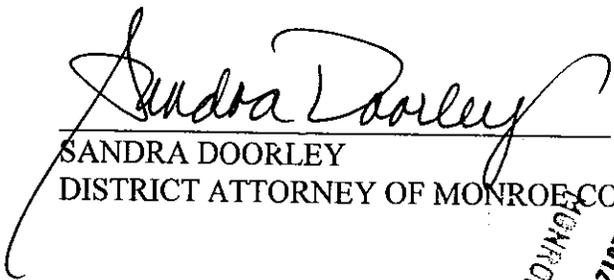
CLAYTON SCOTT WHITTEMORE

12/11/539

FIRST COUNT:

THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, accuses the defendant, CLAYTON SCOTT WHITTEMORE, of the crime of Murder in the Second Degree, in violation of Section 125.25, Subdivision 1 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about September 29, 2012, in the County of Monroe, State of New York, with intent to cause the death of Alexandra Kogut, caused her death.

  
SANDRA DOORLEY  
DISTRICT ATTORNEY OF MONROE COUNTY

2012 OCT 17 AM 11:58  
MONROE COUNTY CLERK

FILED

STATE OF NEW YORK  
COUNTY COURT

COUNTY OF MONROE

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

CLAYTON SCOTT WHITTEMORE

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Indictment #

CR# 12-166149-MSO

CPL § 710.30 Notice  
CPL § 250.20 Demand

**PLEASE TAKE NOTICE** that the People intend to offer at the trial of the above case:

X Evidence of oral statement(s) made by the defendant on September 29, 2012 to Oneida County 911 Communications Center, to Dispatcher Frank McFall, and Dispatcher Deborah Demko at approximately 3:44 a.m. and thereafter, at the NY State Thruway Dewitt Service Area, the sum and substance of which is contained in a CD, to be provided to Court and Counsel upon arraignment.

X Evidence of oral statement(s) made by the defendant on September 29, 2012 to New York State Police Investigator William Casey, NYSP Trooper Paul Murray and NYSP Trooper Rick Sadowski, at approximately 4:04 a.m. and thereafter, at the New York State Police Barracks, North Syracuse, the sum and substance of which is contained in a DVD, to be provided to Court and Counsel upon arraignment.

X Evidence of oral statement(s) made by the defendant on September 29, 2012 to Monroe County Sheriff's Investigator Patrick Ponticello, at approximately 11:00 a.m. and thereafter, at the Monroe County Sheriff's Office, Headquarters, the sum and substance of which is contained in a DVD, to be provided to Court and Counsel upon arraignment.

X Evidence of oral statement(s) made by the defendant on September 29, 2012 to Monroe County Sheriff Deputy Maccarone, at approximately 4:20 p.m. and thereafter, at the Monroe County Jail, the sum and substance of which is contained in the Monroe County Sheriff's Office Incident Report, attached hereto and incorporated herewith.

X Evidence of oral statement(s) made by the defendant on September 29, 2012 to Monroe County Sheriff Deputy Kyle Reynolds, at approximately 5:15 p.m. and thereafter, at the Monroe County Jail, the sum and substance of which is contained in Monroe County Sheriff's Office Incident Report, attached hereto and incorporated herewith.

**PLEASE TAKE FURTHER NOTICE** that if the defendant intends to offer for any purpose whatever testimony that at the time of the commission of the crime charged the defendant was at some place or places other than the scene of the crime and intends to call witnesses in support of such defense, the People request that the within eight days of the service of this demand the defendant serve upon the People and file a copy thereof with the court, a "**NOTICE OF ALIBI**" in accordance with Criminal Procedure Law Section 250.20(1).

X **THE PEOPLE ARE READY FOR TRIAL.** People v. Kendzia, 64 NY2d 331 (1985).

Dated: Rochester, New York  
October 16, 2012

Respectfully submitted,  
**SANDRA DOORLEY**  
Monroe County District Attorney  
832 Ebenezer Watts Building  
Rochester, New York 14614

MONROE COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

Form with multiple sections: 1. INCIDENT TYPE (Miscellaneous), 2. Classification (Supervisor Review), 3. When Reported (9/29/12 @ 17:15 HRS), 4. Reason for Occurrence (No Code), 5. Inmate Information (CLAYTON WHITEMORE), 11. NARRATIVE (Jail incident description), 12. MC 30 Tech Work, 13. Reporting Officer, 14. Assisting Staff, 15. Administrative Review, 16. Additional Review.

MONROE COUNTY SHERIFF'S OFFICE - JAIL INCIDENT

### MONROE COUNTY SHERIFF'S OFFICE INCIDENT REPORT

1. INCIDENT TYPE Constant Observation		2. Classification (Supervisory Review)		3a. CR#	3b. IMS# 12003629
4. Time of Occurrence 9-29-12 @ 1620 HRS.	5. When Reported 9-29-12 @ 1620 HRS.	6. Response Code No Code	7a. Location (Area - Block - Cell) BKG COMPUTER STATION		7b. Fac MCJ
8. Persons involved enter appropriate code for each and use narrative if required					
NAME CLAYTON WHITTEMORE	Sex M	Race W	DOB 8/13/1991	Housing Location RA-103	MCI ID# 364718
				Classification Nonsentenced	Code Major
9. Injuries - Detail in Narrative		10a. Medical Evaluation - Date @ Time by CMC member		10b. <input type="checkbox"/> Transported	
<input type="checkbox"/> Staff Injury <input type="checkbox"/> Inmate Injury		@ by		@ to	
10c. <input type="checkbox"/> Force Used - MB-119 Attached <input type="checkbox"/> ASR Used - ordered - by:		Rank - Decontamination: @ Location:			

MONROE COUNTY SHERIFF'S OFFICE - JAIL INCIDENT	11. NARRATIVE: Describe the details of the incident. List missing person description. Use appropriate number code to expand on above information.				
	While assigned to Booking I screened in Inmate Clayton Whittemore #364718. During the screening process I asked Inmate Whittemore if he ever had thoughts of suicide in the past or currently. He stated, "Yes last night after I did it, I mean after I committed the crime." I placed Inmate Whittemore on Constant Observation, he was medically screened and relocated to RA-103 without incident.				
	<p><i>INV. SGT. WALSH NOTIFIED @ 1700 hrs. via TELEPHONE.</i></p> <p><i>LT LULL Beck 2201 29 SEPT 2012</i></p>				

12. MCSO Tech Work (IBM)	13. Jail Tech Work (IBM)	14. Reporting Officer (Type Name & IBM)		14b. Reporting Officer Signature
<input type="checkbox"/> Tech Work Performed by ()	<input type="checkbox"/> Jail Photos by ()	<input type="checkbox"/> Property/Evidence Collection by ()		
15. Assisting Staff (Enter Name and IBM# for each member)		16. Supervisor Notified CPL BENNEDETTO 3422		
17. Subject or Approver Signature (IBM# & Date)		18. Plaintiff Commander Review (Signature IBM# & Date)		
<i>Dep. Maccarone 3215 9/29/12</i>		<i>LT LULL Beck 2201 29 SEPT 2012</i>		

19. SECURITY ACTION TAKEN				
<input type="checkbox"/> INFRACTION	<input checked="" type="checkbox"/> CHRONO NOTE ENTERED	<input type="checkbox"/> EIF ENTERED	<input type="checkbox"/> PHOTOS UPLOADED/LABELED	<input type="checkbox"/> VIDEO REVIEWED
<input type="checkbox"/> MEDICAL ASSESSMENT	<input type="checkbox"/> SEGREGATION RISK ASSESSMENT	<input type="checkbox"/> ADMIN SEG REQUEST	<input type="checkbox"/> MEDICAL SEG REQUEST	
<input type="checkbox"/> REFERRAL TO MEDICAL	<input checked="" type="checkbox"/> REFERRAL TO MENTAL HEALTH	<input type="checkbox"/> SUBJECT MANAGEMENT INVESTIGATION		
<input type="checkbox"/> STATE REPORTABLE	<input type="checkbox"/> EMPLOYEE INJURY	<input type="checkbox"/> EXPOSURE	<input type="checkbox"/> CRITIQUE PAGE #1	<input type="checkbox"/> FULL CRITIQUE STARTED

20. FOR ADMINISTRATIVE USE ONLY - ADMINISTRATIVE REVIEW SIGNATURE: IBM# DATE				

21. FOR ADMINISTRATIVE USE ONLY - ACTION TAKEN				
<input type="checkbox"/> PHOTO(S) TRANSFERRED	<input type="checkbox"/> VIDEO SAVED	<input type="checkbox"/> INFRACTION	<input type="checkbox"/> NO FURTHER ACTION	<input type="checkbox"/> ADMINISTRATIVE REVIEW
<input type="checkbox"/> CRIMINAL REVIEW	<input type="checkbox"/> CIS REFERRAL	<input type="checkbox"/> IA REFERRAL	<input type="checkbox"/> OTHER	<input type="checkbox"/> TO INMATE FILE

ADDITIONAL REVIEW BY:	DATE:	Page 1 of
<input type="checkbox"/> ADDITIONAL ACTION	<input type="checkbox"/> ROUTE TO:	