

STATE OF NEW YORK COUNTY OF LEWIS
COUNTY COURT

CR 2016-000078

COPY

THE PEOPLE OF THE STATE OF NEW YORK

Against

DERRICK W. MCDERMID
SHELBY POORE-MCINTOSH
Defendants.

INDICTMENT NO. 2016-084

FILED: September 9, 2016

FIRST COUNT:

THE GRAND JURY OF THE COUNTY OF LEWIS, by this indictment, accuses the defendant, Derrick W. McDermid, of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25, Subdivision 4, of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, Derrick W. McDermid, in the Town of Denmark, County of Lewis, on or about and during an approximate time period of May 1, 2016 through July 12, 2016, under circumstances evincing a depraved indifference to human life, and being eighteen years old or more, whose date of birth is March 17, 1995, recklessly engaged in conduct which created a grave risk of serious physical injury or death of another person, Kyrilea Poore-McIntosh, who is a person less than eleven years of age having a date of birth of February 10, 2013, and thereby caused the death of said child, to wit: over the course of the above stated time period, the defendant repeatedly struck said child about the head, face and body causing injuries including a cut lip, a broken tibia and a sub acute brain injury. On July 12, 2016, the day of her death, the defendant repeatedly physically assaulted Kyrilea Poore-McIntosh about the head with blunt force trauma causing a brain injury which resulted in her death.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Derrick W. McDermid, of the crime of **MANSLAUGHTER IN THE FIRST**

DEGREE, in violation of Section 125.20, Subdivision 4, of the Penal Law of the State of New York, a Class B Felony, committed as follows:

The said defendant, Derrick W. McDermid, in the Town of Denmark, County of Lewis, on or about July 12, 2016, being eighteen years old or more, whose date of birth is March 17, 1995, and with intent to cause physical injury to another person, Kyralea Poore-McIntosh, who is a person less than eleven years of age having a date of birth of February 10, 2013, the defendant recklessly engages in conduct which creates a grave risk of serious physical injury to such person and thereby causes the death of such person, to wit: the defendant repeatedly physically assaulted Kyralea Poore-McIntosh about the head with blunt force trauma causing a brain injury resulting in her death.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Derrick W. McDermid, of the crime of **ASSAULT IN THE FIRST DEGREE**, in violation of Section 120.10, Subdivision 3, of the Penal Law of the State of New York, a Class B Felony, committed as follows:

The said defendant, Derrick W. McDermid, in the Town of Denmark, County of Lewis, on or about and between July 2, 2016 and July 7, 2016, under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which created a grave risk of death to another person, Kyralea Poore-McIntosh, and thereby causes serious physical injury to said person, to wit: defendant threw Kyralea Poore-McIntosh across the back seat of a vehicle causing her to hit her head on the opposite door causing contusions and a sub acute brain injury.

FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Derrick W. McDermid, of the crime of **ASSAULT IN THE SECOND DEGREE**, in violation of Section 120.05, Subdivision 9, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, Derrick W. McDermid, in the Town of Denmark, County of Lewis, on or about and between July 2, 2016 and July 7, 2016, being eighteen years old or more, whose

date of birth is March 17, 1995, and with intent to cause physical injury to a person, Kyralea Poore-McIntosh, who is a person less than seven years of age having a date of birth of February 10, 2013, the defendant causes such injury to such person, to wit: contusions and a sub acute brain injury.

FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Derrick W. McDermid, of the crime of **ASSAULT IN THE SECOND DEGREE**, in violation of Section 120.05, Subdivision 9, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, Derrick W. McDermid, in the Town of Denmark, County of Lewis, on or about and between June 14, 2016 and June 28, 2016, being eighteen years old or more, whose date of birth is March 17, 1995, and with intent to cause physical injury to a person, Kyralea Poore-McIntosh, who is less than seven years of age having a date of birth of February 10, 2013, the defendant causes such injury to such person, to wit: a broken tibia.

SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Derrick W. McDermid, of the crime of **ENDANGERING THE WELFARE OF A CHILD**, in violation of Section 260.10, Subdivision 1, of the Penal Law of the State of New York, a Class A Misdemeanor, committed as follows:

The said defendant, Derrick W. McDermid, in the Town of Denmark, County of Lewis, on or about and between May 1, 2016 and July 12, 2016, when he knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to her life or health, to wit: Kyralea Poore-McIntosh whose date of birth is February 10, 2013 by engaging in a course of physical contact with said child by slapping, hitting, kicking, backhanding, stomping on her leg, breaking her tibia, punching her in the arm, cutting her in the lip and slamming her head into walls.

SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Shelby Poore-McIntosh, of the crime of **MANSLAUGHTER IN THE SECOND DEGREE**, in violation of Section 125.15, Subdivision 1, of the Penal Law of the State of New York, a Class C Felony, committed as follows:

The said defendant, Shelby Poore-McIntosh, in the Town of Denmark, County of Lewis, on or about July 12, 2016, did recklessly cause the death of another person, Kyralea Poore-McIntosh whose date of birth is February 10, 2013, to wit: during the above stated time period the defendant knowingly allowed her live in boyfriend, Derrick McDermid, to repeatedly strike her daughter Kyralea Poore-McIntosh about the head, face and body causing injuries, failed to protect her daughter from his physical assaults and did not seek medical treatment for her daughter for a broken tibia and previous head injury. Defendant further acted recklessly when she failed to prevent the fatal physical assault by Derrick McDermid on July 12, 2016, refused to seek medical attention, and covered up the manner in which her daughter was assaulted.

EIGHTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Shelby Poore-McIntosh, of the crime of **CRIMINALLY NEGLIGENT HOMICIDE**, in violation of Section 125.10, of the Penal Law of the State of New York, a Class E Felony, committed as follows:

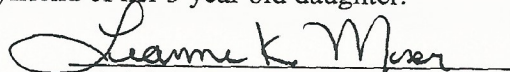
The said defendant, Shelby Poore-McIntosh, in the Town of Denmark, County of Lewis, on or about and during an approximate time period of May 1, 2016 through July 12, 2016, with criminal negligence, caused the death of another person, Kyralea Poore-McIntosh whose date of birth is February 10, 2013, to wit: during the above stated time period the defendant knowingly allowed her live in boyfriend, Derrick McDermid, to repeatedly strike her daughter Kyralea Poore-McIntosh about the head, face and body causing injuries, failed to protect her daughter from his physical assaults and did not seek medical treatment for her daughter for a broken tibia and previous head injury. Defendant further acted negligently when she failed to prevent the

fatal physical assault by Derrick McDermid on July 12, 2016, refused to seek medical attention, and covered up the manner in which her daughter was assaulted.

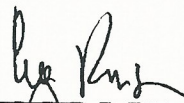
NINTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, Shelby Poore-McIntosh, of the crime of **ENDANGERING THE WELFARE OF A CHILD**, in violation of Section 260.10, Subdivision 1, of the Penal Law of the State of New York, a Class A Misdemeanor, committed as follows:

The said defendant, Shelby Poore-McIntosh, in the Town of Denmark, County of Lewis, on or about and between May 1, 2016 and July 12, 2016, when she knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to her life or health, to wit: Kyrilea Poore-McIntosh whose date of birth is February 10, 2013 by failing to seek medical attention for her daughter for a broken tibia and head injury and failing to prevent the physical abuse by her boyfriend of her 3 year old daughter.



LEANNE K. MOSER
DISTRICT ATTORNEY
LEWIS COUNTY, N.Y.



CRAIG ROWSAM
GRAND JURY FOREMAN

STATE OF NEW YORK COUNTY OF LEWIS
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK

against

DEMAND & NOTICE

DERRICK W. MCDERMID
SHELBY POORE-MCINTOSH

INDICTMENT NO. 2016-084

Defendants.

DISCOVERY DEMAND

PLEASE TAKE NOTICE, that pursuant to Section 240.30 of the Criminal Procedure Law, Demand is hereby made to disclose and make available for inspection, photographing, copying or testing, subject to constitutional limitations: (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if the defendant has filed a notice of intent to offer psychiatric evidence and such report or document relates thereto, or is such report or document was made by a person other than the defendant whom the defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape or other electronic recording which the defendant intends to introduce at trial.

DEMAND FOR NOTICE OF ALIBI

ALSO, PLEASE TAKE NOTICE, in accordance with all the provisions of Section 250.20 of the Criminal Procedure Law that if the defendant intends to offer a trial defense that at that time of the commission of the crime charged he or she was at some place or places other than the scene of the crime, and if the defendant intends to call witnesses in support of such defense, the people demand that the defendant, within eight days of the service of this demand, serve upon the District Attorney of Lewis County, and file a copy of thereof with the Court, a "Notice of Alibi", reciting (a) the place or places where he claims to have been at the time in question, and (b) the names, residential addresses, places of employment and addresses thereof, of every such alibi, witness upon whom he intends to rely.

NOTICE OF READINESS

ALSO, PLEASE TAKE NOTICE, pursuant to the Speedy Trial Rules as outlined in Section 30.30 of the Criminal Procedure Law, that the prosecution is ready to proceed to trial in the above-captioned case.

This Demand and Notice is attached to a copy of the Indictment herein and has been served upon the Defendant(s) at the time of arraignment.

LEANNE K. MOSER
LEWIS COUNTY DISTRICT ATTORNEY
7660 NORTH STATE STREET
LOWVILLE, NEW YORK 13367