

STATE OF NEW YORK COUNTY OF LEWIS
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK

Against

JOHN DOE (AKA SHAWN EXFORD)

INDICTMENT NO. 2020-023

FILED: March 5, 2020

Defendant.

FIRST COUNT:

THE GRAND JURY OF THE COUNTY OF LEWIS, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **ARSON IN THE FIRST DEGREE**, in violation of Section 150.20(1), of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when such explosion or fire causes serious physical injury to another person other than a participant and when another person who is not a participant in the crime is present in such building or motor vehicle at the time and the defendant knows the fact or the circumstances are such as to render the presence of such person therein a reasonable possibility, to wit: damaged a building located at 7525 South State Street by starting a fire knowing that Saratina Kilbourne, who was not a participant in the crime, was in the upstairs apartment and died from asphyxia due to inhalation of smoke.

SECOND COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **ARSON IN THE FIRST DEGREE**, in violation of Section 150.20(1), of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when such explosion or fire causes serious physical injury to another person other than a participant and when another person who is not a participant in the crime is present in such building or motor vehicle at the time and the defendant knows the fact or the circumstances are such as to render the presence of such person therein a reasonable possibility, to wit: damaged a building located at 7525 South State Street by starting a fire knowing that Catherine Crego, who was not a participant in the crime, was in the upstairs apartment and died from asphyxia due to inhalation of smoke.

THIRD COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25(3), of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, acting either alone or with one or more other persons, he commits or attempts to commit arson and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; to wit: damaged a building located at 7525 South State Street by starting a fire and caused the death of Saratina Kilbourne who was not a participant in the crime.

FOURTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25(3), of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, acting either alone or with one or more other persons, he commits or attempts to commit arson and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; to wit: damaged a building located at 7525 South State Street by starting a fire and caused the death of Catherine Crego who was not a participant in the crime.

FIFTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25(2), of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person and thereby causes the death of another person; to wit: knowing that Saratina Kilbourne was located in an upstairs apartment did start a fire in the downstairs common hallway of the building located at 7525 South State Street and while knowing that hallway was the only egress from the upstairs apartment then immediately fled said premises without alerting anyone to the fire thereby causing the death of Saratina Kilbourne by asphyxia due to inhalation of smoke.

SIXTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **MURDER IN THE SECOND DEGREE**, in violation of Section 125.25(2), of the Penal Law of the State of New York, a Class A-I Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, under

circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person and thereby causes the death of another person; to wit: knowing that Catherine Crego was located in an upstairs apartment did start a fire in the downstairs common hallway of the building located at 7525 South State Street and while knowing that hallway was the only egress from the upstairs apartment then immediately fled said premises without alerting anyone to the fire thereby causing the death of Catherine Crego by asphyxia due to inhalation of smoke.

SEVENTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **ARSON IN THE SECOND DEGREE**, in violation of Section 150.15, of the Penal Law of the State of New York, a Class B Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when he intentionally damages a building or motor vehicle by starting a fire and when another person who is not a participant in the crime is present in such building or motor vehicle at the time and the defendant knows that fact or the circumstances are such as to render the presence of such a person therein a reasonable possibility, to wit: damaged the building located at 7525 South State Street by starting a fire knowing that Saratina Kilbourne, Catherine Crego and Brian Mushtare, who were not participants in the crime, were present in the upstairs apartment.

EIGHTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **RECKLESS ENDANGERMENT IN THE FIRST DEGREE**, in violation of Section 120.25, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct

which creates a grave risk of death to another person, to wit: knowing that the building located at 7525 South State Street contained occupied apartments, created a grave risk of death to Karen Koster, a resident of an upstairs apartment, by starting a fire in a common hallway and fleeing said premises without alerting anyone to the fire.

NINTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **RECKLESS ENDANGERMENT IN THE FIRST DEGREE**, in violation of Section 120.25, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, to wit: knowing that the building located at 7525 South State Street contained occupied apartments, created a grave risk of death to Sheldon Koster, a resident of an upstairs apartment, by starting a fire in a common hallway and fleeing said premises without alerting anyone to the fire.

TENTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **RECKLESS ENDANGERMENT IN THE FIRST DEGREE**, in violation of Section 120.25, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, to wit: knowing that the building located at 7525 South State Street contained occupied apartments, created a grave risk of death to Kelly Peters, a resident of an upstairs apartment, by starting a fire in a common hallway and fleeing said premises without alerting anyone to the fire.

ELEVENTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **RECKLESS ENDANGERMENT IN THE FIRST DEGREE**, in violation of Section 120.25, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, to wit: knowing that the building located at 7525 South State Street contained occupied apartments, created a grave risk of death to Jessy Koster-Peters, a resident of an upstairs apartment, by starting a fire in a common hallway and fleeing said premises without alerting anyone to the fire.

TWELFTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **RECKLESS ENDANGERMENT IN THE FIRST DEGREE**, in violation of Section 120.25, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

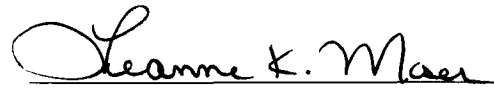
The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, to wit: knowing that the building located at 7525 South State Street contained occupied apartments, created a grave risk of death to Bentley Koster, a resident of an upstairs apartment, by starting a fire in a common hallway and fleeing said premises without alerting anyone to the fire.

THIRTEENTH COUNT:

AND THE AFORESAID GRAND JURY, by this indictment, accuses the defendant, John Doe (AKA Shawn Exford), of the crime of **RECKLESS ENDANGERMENT IN THE**

FIRST DEGREE, in violation of Section 120.25, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

The said defendant, John Doe (AKA Shawn Exford), in the Village of Lowville, County of Lewis, on or about and between November 30, 2019 and December 1, 2019, when under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, to wit: knowing that the building located at 7525 South State Street contained occupied apartments, created a grave risk of death to Brian Mushtare, a resident of a downstairs apartment, by starting a fire in a common hallway and fleeing said premises without alerting anyone to the fire.



LEANNE K. MOSER
DISTRICT ATTORNEY
LEWIS COUNTY



MORRIS MCINTOSH
GRAND JURY FOREMAN

County Court, Lewis County

THE PEOPLE OF THE STATE
OF NEW YORK
AGAINST

JOHN DOE (AKA SHAWN EXFORD)

2020-023

NO.

INDICTMENT



DISTRICT ATTORNEY OF LEWIS COUNTY
Leanne K. Moser

A TRUE BILL



FOREMAN OF GRAND JURY
Morris McIntosh