

SUPREME/COUNTY COURT : ERIE COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

against

ECDA Legacy No. 00877-2022

PAYTON GENDRON

IND- 71645-22/001

THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

FIRST COUNT: DOMESTIC ACT OF TERRORISM MOTIVATED BY HATE IN THE FIRST DEGREE, in violation of Penal Law §490.28, in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of, or serious physical injury to, five or more other persons, caused the death of at least one person, to wit: ROBERTA DRURY, and caused the death of four or more additional persons, to wit: HEYWARD PATTERSON, PEARL YOUNG, RUTH WHITFIELD, CELESTINE CHANEY, AARON SALTER, ANDRE MACKNIEL, MARGUS MORRISON, KATHERINE MASSEY, and GERALDINE TALLEY, none of whom were participants in the criminal transaction, and the defendant did so in whole or in substantial part because of the perceived race and/or color of such person or persons regardless of whether that belief or perception was correct.

SECOND COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of ROBERTA DRURY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause

serious physical injury to or the death of an additional person, caused the death of HEYWARD PATTERSON, who was not a participant in the criminal transaction.

THIRD COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of HEYWARD PATTERSON, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of PEARL YOUNG, who was not a participant in the criminal transaction.

FOURTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of PEARL YOUNG, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of RUTH WHITFIELD, who was not a participant in the criminal transaction.

FIFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death

of another person, caused the death of RUTH WHITFIELD, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of CELESTINE CHANEY, who was not a participant in the criminal transaction.

SIXTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of CELESTINE CHANEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of AARON SALTER, who was not a participant in the criminal transaction.

SEVENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of AARON SALTER, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of ANDRE MACKNIEL, who was not a participant in the criminal transaction.

EIGHTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of ANDRE MACKNIEL, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of MARGUS MORRISON, who was not a participant in the criminal transaction.

NINTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of MARGUS MORRISON, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of KATHERINE MASSEY, who was not a participant in the criminal transaction.

TENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of KATHERINE MASSEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of GERALDINE TALLEY, who was not a participant in the criminal transaction.

ELEVENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of GERALDINE TALLEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of ROBERTA DRURY, who was not a participant in the criminal transaction.

TWELFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of ROBERTA DRURY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ROBERTA DRURY, regardless of whether the belief or perception was correct.

THIRTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of HEYWARD PATTERSON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of HEYWARD PATTERSON, regardless of whether the belief or perception was correct.

FOURTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of PEARL YOUNG, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of PEARL YOUNG, regardless of whether the belief or perception was correct.

FIFTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of RUTH WHITFIELD, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of RUTH WHITFIELD, regardless of whether the belief or perception was correct.

SIXTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of CELESTINE CHANEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of CELESTINE CHANEY, regardless of whether the belief or perception was correct.

SEVENTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of AARON SALTER, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of AARON SALTER, regardless of whether the belief or perception was correct.

EIGHTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of ANDRE MACKNIEL, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ANDRE MACKNIEL, regardless of whether the belief or perception was correct.

NINETEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of MARGUS MORRISON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of MARGUS MORRISON, regardless of whether the belief or perception was correct.

TWENTIETH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of KATHERINE MASSEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of KATHERINE MASSEY, regardless of whether the belief or perception was correct.

TWENTY-FIRST COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of GERALDINE TALLEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of GERALDINE TALLEY, regardless of whether the belief or perception was correct.

TWENTY-SECOND COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of ZAIRE GOODMAN, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ZAIRE GOODMAN, regardless of whether the belief or perception was correct.

TWENTY-THIRD COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

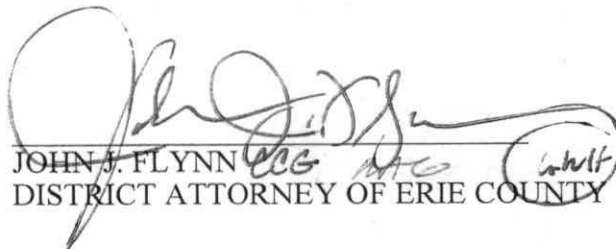
ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of CHRISTOPHER BRADEN, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of another person, regardless of whether the belief or perception was correct.

TWENTY-FOURTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of JENNIFER WARRINGTON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of another person, regardless of whether the belief or perception was correct.

TWENTY-FIFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, AN ARMED FELONY, in violation of Penal Law §265.03(3), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, knowingly possessed a loaded firearm, to wit: an assault weapon.


JOHN J. FLYNN
DISTRICT ATTORNEY OF ERIE COUNTY

JUN - 1 2022
No. 00877-2022

SUPREME/COUNTY COURT
ERIE COUNTY

4-B Term, 20 22

Arraigned the _____ day of _____ 20 ____

Plead _____ Guilty.

Counsel _____

Filed JUN - 1 2022 day of _____ 20 ____

Jenny Ford
Clerk

THE PEOPLE
AGAINST

PAYTON GENDRON

INDICTMENT

DOMESTIC ACT OF TERRORISM MOTIVATED BY HATE IN THE FIRST DEGREE, P.L. §490.28
MURDER IN THE FIRST DEGREE, P.L. §125.27(1)(a)(viii) **10 COUNTS**
MURDER IN THE SECOND DEGREE, AS A HATE CRIME, P.L. §§125.25(1), 485.05(1)(b) **10 COUNTS**
ATTEMPTED MURDER IN THE SECOND DEGREE, AS A HATE CRIME, P.L. §§110.00, 125.25(1), 485.05(1)(b) **3 COUNTS**
CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, AN ARMED FELONY, P.L. §265.03(3)

JOHN J. FLYNN
DISTRICT ATTORNEY

A TRUE BILL

Colleen A. Miller Foreperson