

SUPREME COURT: COUNTY OF NASSAU  
STATE OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

DARRELL FULLER,

Defendant

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THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendant of the crime of MURDER IN THE FIRST DEGREE, in violation of Section 125.27 Subdivision 1(a)(i) of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, being more than 18 years of age at the time of the commission of the crime, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, with intent to cause the death of Arthur Lopez, caused the death of Arthur Lopez, a police officer who was engaged in the course of performing his lawful duties, and the defendant knew or reasonably should have known that the victim was a police officer.

SECOND COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of MURDER IN THE FIRST DEGREE, in violation of Section 125.27 Subdivision 1(a)(vii) of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, being more than 18 years of age at the time of the commission of the crime, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, with intent to cause the death of Raymond Facey, caused the death of Raymond Facey while the defendant was in the course of committing or attempting to commit and in furtherance of the crime of robbery, or in the course of and in furtherance of immediate flight after committing or attempting to commit such crime, and the victim was not a participant in the crime.

THIRD COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of MURDER IN THE FIRST DEGREE, in violation of Section 125.27 Subdivision 1(a)(viii) of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, being more than 18 years of age at the time of the commission of the crime, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, with intent to cause the death of Arthur Lopez, caused the death of Arthur Lopez and as part of the same criminal transaction, the defendant, with the intent to cause serious physical injury to or the death of an additional person or persons, caused the death of Raymond Facey, and Raymond Facey was not a participant in the criminal transaction.

#### FOURTH COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of MURDER IN THE SECOND DEGREE, in violation of Section 125.25 Subdivision 3 of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, committed or attempted to commit the crime of robbery and in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant caused the death of Raymond Facey, who was not a participant in the crime.

#### FIFTH COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of ROBBERY IN THE FIRST DEGREE, an armed felony, in violation of Section 160.15 Subdivision 2 of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, forcibly stole property from Raymond Facey, and in the course of commission of the crime or of immediate flight therefrom, he was armed with a deadly weapon, to wit; a handgun.

#### SIXTH COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of ROBBERY IN THE FIRST DEGREE, in violation of Section 160.15 Subdivision 1 of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, forcibly stole property from Raymond Facey, and in the course of the commission of the crime or of immediate flight therefrom, he caused serious physical injury to Raymond Facey, who was not a participant in the crime.

#### SEVENTH COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, an armed felony, in violation of Section 265.03 Subdivision 1(b) of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, possessed a loaded firearm, to wit: a handgun, with intent to use the same unlawfully against another.

EIGHTH COUNT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant of the crime of CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, in violation of Section 265.03 Subdivision 3 of the Penal Law of the State of New York committed as follows:

The defendant, DARRELL FULLER, on or about the 23rd day of October, 2012, in the County of Nassau, State of New York, possessed a loaded firearm, to wit: a handgun, and such possession did not take place in the defendant's home or place of business.

Dated: November 5, 2012  
Mineola, New York

KATHLEEN M. RICE  
District Attorney

PLEASE TAKE NOTICE that in accordance with the provisions of Section 240.30 of the Criminal Procedure Law, the People hereby demand that within fifteen days of the date of service of this Demand, you disclose and make available to the District Attorney of Nassau County for inspection, photographing, copying or testing: (a) any written report of 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 same at trial of this action, or if the defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if same 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.

PLEASE TAKE FURTHER NOTICE that in accordance with the provisions of Section 250.20 of the Criminal Procedure Law, I hereby demand from you and each of you that if you intend upon the trial of this indictment to offer, for any purpose whatever, testimony which may tend to establish your presence elsewhere than at the scene of the crime or crimes with which you are charged, at the time of their commission, you must, within eight days from the date of service of this Demand, serve upon the District Attorney of Nassau County, and file with this court, a copy thereof, a "notice of alibi" which shall set forth in detail the place of places where you claim to have been together with the names, post office addresses, residences and places of employment and the address thereof of the witnesses upon whom you intend to rely to establish your presence elsewhere than at the scene of the crime or crimes at the time of their commission.

If at the trial of this action the defendant calls such an alibi witness without having served a notice of alibi pursuant to the demand, or, if having served such a notice he calls a witness not specified therein, a motion will be made pursuant to the provisions of Section 250.20 of the Criminal Procedure Law to exclude any testimony of such witness relating to the alibi defense.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 710.30 of the Criminal Procedure Law, the People intend to offer at the trial of this indictment evidence of oral and/or written statement(s) made to a public servant pertaining to the charge set forth in this indictment.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 710.30 of the Criminal Procedure Law, during the trial of this matter, the People expect to introduce testimony identifying the defendant as a person who committed the offenses charged as set forth in this indictment, which testimony will be given by a witness (witnesses) who has (have) previously identified the defendant.

KATHLEEN M. RICE  
District Attorney  
Nassau County, New York

