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STATE OF NEW YORK  
COUNTY COURT : COUNTY OF NIAGARA

91602128  
SERIAL NUMBER

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Indictment No. 2008-306

**RYAN S. SMITH**

Defendants.

**COUNT 1**

The Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Burglary in the First Degree, in violation of §140.30(3) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, knowingly and unlawfully entered a dwelling located at 1360 Whitney Ave, Niagara Falls, New York, with the intent to commit a crime therein, and in effecting entry or while in the dwelling or the immediate flight therefrom, he or another participant in the crime used or threatened the immediate use of a dangerous instrument, that is a firearm.

**COUNT 2**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Burglary in the First Degree, an armed felony, in violation of §140.30(4) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, knowingly and unlawfully entered a dwelling located at 1360 Whitney Ave,

Niagara Falls, New York, with the intent to commit a crime therein and in effecting entry or while in the dwelling or the immediate flight therefrom, he or another participant in the crime, displayed what appeared to be a pistol, revolver, or shotgun.

### COUNT 3

The Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, in violation of §160.15(3) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, forcibly stole property, being a sum of money and jewelry, from Delorise Garner and in the course of the commission of the crime or the immediate flight therefrom, he or another participant in the crime used or threatened the immediate use of a dangerous instrument, that is: a firearm.

### COUNT 4

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, an armed felony, in violation of §160.15(4) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, forcibly stole property, being a sum of money and jewelry, from Delorise Garner, and in the commission of the crime or the immediate flight therefrom he or another participant in the crime, displayed what appeared to be a pistol, revolver or shotgun.

**COUNT 5**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Kidnapping in the Second Degree, in violation of § 135.20 and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, abducts Antonio Groomes.

**COUNT 6**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Kidnapping in the Second Degree, in violation of § 135.20 and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, abducts JoMarrius Harris.

**COUNT 7**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Kidnapping in the Second Degree, in violation of § 135.20 and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, abducts Delorise Garner.

**COUNT 8**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Criminal Use of a Firearm in the First Degree, an armed felony, in violation of §265.09(1)(b) of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, committed a class B violent felony, Burglary in the First Degree, and displayed what appeared to be a pistol, revolver or shotgun.

**COUNT 9**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Burglary in the First Degree, in violation of §140.30(2) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, knowingly and unlawfully entered a dwelling located at 2910 21<sup>st</sup> Street, Niagara Falls, New York, with the intent to commit a crime therein, and in effecting entry or while in the dwelling or the immediate flight therefrom, he or another participant in the crime caused physical injury to Joseph Harris, Jr., who is not a participant in the crime.

**COUNT 10**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Burglary in the First Degree, in violation of §140.30(3) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally

aided by others, knowingly and unlawfully entered a dwelling located at 2910 21<sup>st</sup> Street, Niagara Falls, New York, with the intent to commit a crime therein, and in effecting entry or while in the dwelling or the immediate flight therefrom, he or another participant in the crime used or threatened the immediate use of a dangerous instrument, that is a firearm

**COUNT 11**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Burglary in the First Degree, an armed felony, in violation of §140.30(4) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, knowingly and unlawfully entered a dwelling located at 2910 21<sup>st</sup> Street, Niagara Falls, New York, with the intent to commit a crime therein and in effecting entry or while in the dwelling or the immediate flight therefrom, he or another participant in the crime, displayed what appeared to be a pistol, revolver, or shotgun.

**COUNT 12**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, in violation of §160.15(1) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, forcibly stole property, being jewelry, from Joseph Harris, Jr., and in the course of the commission of the crime or the immediate flight therefrom, he or another participant in the crime caused serious physical injury to Joseph Harris, Jr., who is not a participant in the crime.

**COUNT 13**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, in violation of §160.15(3) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, forcibly stole property, being jewelry, from Joseph Harris, Jr., and in the course of the commission of the crime or the immediate flight therefrom, he or another participant in the crime used or threatened the immediate use of a dangerous instrument, that is: a firearm.

**COUNT 14**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, an armed felony, in violation of §160.15(4) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally aided by others, forcibly stole property, being jewelry, from Joseph Harris, Jr., and in the commission of the crime or the immediate flight therefrom he or another participant in the crime, displayed what appeared to be a pistol, revolver or shotgun.

**COUNT 15**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Assault in the First Degree, in violation of §120.10(1) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about July 27, 2006, in Niagara County, while being intentionally

aided by others, caused serious physical injury to Joseph Harris, Jr., by means of a dangerous instrument, that is a firearm.

**COUNT 16**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, in violation of §160.15(3) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while being intentionally aided by another, forcibly stole property, being a sum of money, from Sunoco and in the course of the commission of the crime or the immediate flight therefrom, he or another participant in the crime, used or threatened the immediate use of a dangerous instrument, that is: a shotgun.

**COUNT 17**

And the Grand Jury of the County of Niagara, by this indictment, accuse the defendant, **RYAN S. SMITH**, of the crime of Robbery in the First Degree, an armed felony, in violation of §160.15(4) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while being intentionally aided by another, forcibly stole property, being a sum of money, from Sunoco, and during the commission of the crime or in the immediate flight therefrom, he or another participant in the crime, displayed what appeared to be a shotgun.

**COUNT 18**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Assault in the Second Degree, in violation of §120.05(2) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while intentionally being aided by another, intended to cause physical injury to Kabeer Ahmed by means of a dangerous instrument, that is a gun.

**COUNT 19**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Assault in the Second Degree, in violation of §120.05(6) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while intentionally being aided by another, during the commission of a felony, Robbery in the First Degree, caused physical injury to Kabeer Ahmed.

**COUNT 20**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Criminal Possession of a Weapon in the Second Degree, in violation of §265.03(3) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while intentionally being aided by another, possessed a loaded firearm not in his home or place of business.

**COUNT 21**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Criminal Use of a Firearm in the First Degree, an armed felony, in violation of §265.09(1)(b) and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while intentionally being aided by another, committed a class B violent felony, Robbery in the First Degree, and displayed what appeared to be a shotgun.

**COUNT 22**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Menacing a Police Officer, in violation of §120.18 and Article 20.00 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, while intentionally being aided by another, intentionally placed Officer Trane in reasonable fear of physical injury by displaying a shotgun, while Officer Trane was performing his lawful duties and the defendant reasonably should have known Officer Trane was a police officer.

**COUNT 23**


And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Grand Larceny in the Third Degree, in violation of §155.35 and Article 20.00 of the Penal Law of the State of New York, committed as follows:


The defendant, on or about December 24, 2006, in Niagara County, while intentionally aided by another, stole property, being a sum of money, from Sunoco, in excess of three thousand dollars.

**COUNT 24**

And the Grand Jury of the County of Niagara, accuse the defendant, **RYAN S. SMITH**, of the crime of Resisting Arrest, in violation of §205.30 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about December 24, 2006, in Niagara County, intentionally attempted to prevent Officer Trane from effecting an authorized arrest of himself.

  
MICHAEL J. VIOLANTE  
Niagara County District Attorney

  
Foreperson, December 2008, Grand Jury

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