

STATE OF NEW YORK
COUNTY COURT

ONEIDA COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

Against

Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin,

Defendants.

INDICTMENT

IND. NO. I 2015-392

Filed November 24, 2015

FIRST COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey and Traci Irwin, defendants, of the offense of **Murder in the Second Degree** in violation of Section 125.25, subdivision 2, of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of another person, to wit: Lucas Leonard.

SECOND COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson and Linda Morey, defendants, of the offense of **Murder in the Second Degree** in violation of Section 125.25, subdivision 3, of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did commit or attempt to commit kidnapping, and, in the course of and in furtherance of such crime or of immediate flight therefrom, s(he) or another participant caused the death of a person, who was not a participant in the crime, to wit: Lucas Leonard.

THIRD COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson and Linda Morey, defendants, of the offense of **Manslaughter in the First Degree** in violation of Section 125.20, subdivision 1, of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, with intent to cause serious physical injury to Lucas Leonard did cause the death of Lucas Leonard.

FOURTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense 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 felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did recklessly cause the death of another person, to wit: Lucas Leonard.

FIFTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey and Traci Irwin, defendants, of the offense of **Kidnapping in the First Degree** in violation of Section 135.25, subdivision 2(a), of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did abduct and restrain another person, to wit: Lucas Leonard, for a period of more than twelve hours with intent to inflict physical injury upon him.

SIXTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense of **Kidnapping in the First Degree** in violation of Section

135.25, subdivision 2(c), of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did abduct another person, to wit: Lucas Leonard, and did restrain the person abducted for a period of more than twelve hours with the intent to terrorize him.

SEVENTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense of **Kidnapping in the First Degree** in violation of Section 135.25, subdivision 3, of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did abduct another person, to wit: Lucas Leonard, and the person abducted died during the abduction or before he was able to be returned to safety.

EIGHTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense of **Kidnapping in the First Degree** in violation of Section 135.25, subdivision 2(a), of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did abduct and restrain another person, to wit: Christopher Leonard, for a period of more than twelve hours with intent to inflict physical injury upon him.

NINTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey and Traci Irwin, defendants, of the offense of **Kidnapping in the First Degree** in violation of Section 135.25, subdivision 2(c), of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, did abduct another person, to wit: Christopher Leonard, and

did restrain the person abducted for a period of more than twelve hours with the intent to terrorize him.

TENTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson and Linda Morey, defendants, of the offense of **Assault in the First Degree** in violation of Section 120.10, subdivision 1, of the Penal Law of the State of New York, an armed felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, with intent to cause serious physical injury to Lucas Leonard, did cause such injury to such person by means of a dangerous instrument, to wit: a power cord.

ELEVENTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense of **Assault in the First Degree** in violation of Section 120.10, subdivision 1, of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, with intent to cause serious physical injury to Christopher Leonard, did cause such injury to such person by means of a dangerous instrument, to wit: a power cord.

TWELFTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense of **Gang Assault in the First Degree** in violation of Section 120.07 of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, with intent to cause serious physical injury to another person and when aided by two or more other persons actually present, caused serious physical injury to such person, to wit: Lucas Leonard.

THIRTEENTH COUNT

THE GRAND JURY OF ONEIDA COUNTY, do hereby accuse Tiffanie Irwin, Joseph Irwin, David Morey, Bruce Leonard, Sarah Ferguson, Linda Morey, Traci Irwin and Daniel Irwin, defendants, of the offense of **Gang Assault in the First Degree** in violation of Section 120.07 of the Penal Law of the State of New York, a felony, committed as follows: The said defendants, on or about October 11, 2015 through and including October 12, 2015, in the County of Oneida, Town of New Hartford, with intent to cause serious physical injury to another person and when aided by two or more other persons actually present, caused serious physical injury to such person, to wit: Christopher Leonard.

/s/ Scott D. McNamara : Oneida County District Attorney,

/s/ Brennen Foster : Foreperson, Oneida County Grand Jury.