

MIRANDA RIGHTS

Q: When can you have an attorney?

A: At any time

Q: Can you have an attorney any time you want to, including right now?

A: Yes

Q: Can you use my telephone -- free of charge -- to call an attorney any time you want to?

A: Yes - I would say yes

Q: What will happen if you can not afford an attorney and you want one?

A: I believe that they appoint one for you

Q: Do you have to answer even one of my questions or say anything to me?

A: No

Q: What if you start to answer my questions and then you want to stop, can you stop any time you want to?

A: Yes

Q: Do you realize that if I am called into court to testify about what both you and I said in here today, I will be placed under oath to tell the complete truth?

A: Yes

Q: Would you want me to tell the truth, or would you want me to lie?

A: Tell the truth

Q: I will tell the complete truth, regardless if it helps or hurts the prosecutor or helps or hurts your side, do you realize that?

A: Yes

Q: Now that you know all these rights that you do have, do you wish me to continue?

A: Yes

CERTIFICATION: I understood all of the above questions asked me. I have read everything on this page, including my truthful answers. I have been allowed to make any changes I wished to make. I wish to continue without an attorney. I am here of my own free will. I know I can leave this room by merely telling Frank Dezasio that I wish to leave.

Name: Michelle A Davis Date: 9-22-99 Time: 10⁴¹ (a.m./p.m.)

STATEMENT

STATE OF NEW YORK

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COUNTY OF CAYUGA

DATED: 9/21/99

TOWN OF Jennett

I, Michelle A. Davis, AGE 36, BORN ON 2-26-63,

AND RESIDING AT 1012 W. Lake Hill Auburn,

HAVE BEEN ADVISED BY Inv. Steve McHard,

OF THE CAYUGA County Sheriff's Dept., OF THE FOLLOWING:

I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT *AND* IF I DON'T WANT TO.

IF I GIVE UP THAT RIGHT, ANYTHING I DO SAY CAN AND WILL BE USED AGAINST ME *AND* IN A COURT OF LAW.

I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT OR *AND* AT ANY TIME DURING THIS STATEMENT.

IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT LAWYER *AND* PRESENT BEFORE MAKING ANY STATEMENT.

I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS *AND* STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT.

I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY RIGHTS AND *AND* MAKE THE FOLLOWING STATEMENT:

J.B. McHard #4096
WITNESS

Michelle A. Davis
SIGNATURE

Time: 4:06 PM

STATEMENT

STATE OF NEW YORK

PAGE ONE OF 4 PAGES

COUNTY OF _____

DATED: 9/22/99

OF _____

I, MICHELLE A. DAVIS, AGE 36, BORN ON 2/26/63.

AND RESIDING AT 6017 W. LAKE A. AUBURN, N.Y.

HAVE BEEN ADVISED BY LIN. JOSEPH J. WEEKS

OF THE CRUZA C-SHERIFF'S DEPT, OF THE FOLLOWING:

I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT IF I DON'T WANT TO.

IF I GIVE UP THAT RIGHT, ANYTHING I DO SAY CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW.

I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT OR AT ANY TIME DURING THIS STATEMENT.

IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT LAWYER PRESENT BEFORE MAKING ANY STATEMENT.

I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT.

I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY RIGHTS AND MAKE THE FOLLOWING STATEMENT:

LIN. JOSEPH J. WEEKS
WITNESS

M. Michelle A. Davis
SIGNATURE
4:50 PM

ON FRIDAY SEPTEMBER 3rd I WENT
SCHOOL SHOPPING. ME & KIMMY WENT IN SUE'S
CAR.

ME AND KIMMY GOT HOME AROUND 6:00 PM
MY HUSBAND BOB WAS THERE. HE'D BEEN
WATCHING DANNY WHILE WE WERE GONE. MY
OTHER DAUGHTER MELISSA WAS AWAY AT A
CONCERT.

BOB TEXT AS SOON AS WE GOT THERE.
BOB AND I HAVE BEEN SEPERATED ABOUT
A WEEK.

Michelle A. Davis

NAME: Melba Davis

PAGE OF PAGES

DATE 9/22/99

CAME IN FROM SWIMMING AND I GAVE HIM A CHANGE OF CLOTHES. I WENT INTO THE LIVING ROOM TO WATCH TV WITH KIMMY. THAT'S ABOUT WHEN DANNY BECAME ACTIVE. I'M NOT SURE WHAT SET HIM OFF. HE PUNCHED ME AND KICKED ME AND HE PICKED UP A COUPLE OF OBJECTS AND WAS GOING TO THROW THEM AT ME. AT THIS TIME KIMMY GOT SCARED AND RAN UP THE STAIRS. DANNY DID THROW THEM AT ME. I DON'T REMEMBER WHAT IT WAS.

I ASKED HIM "DANNY DO YOU REALLY WANT TO START THIS SHIT AGAIN, YOU'VE BEEN GOOD FOR SO LONG?"

HE LOOKED AT ME AND SAID "BUT WE LOVE YOU MOM." I TOLD HIM IF HE LOVED ME TO STOP. HE WENT OUT TO THE BACK PORCH TO WATCH TV FOR AWHILE.

AROUND 8:00 PM KIMMY ASKED IF SHE COULD GO TO ABBIE'S HOUSE TO PLAY. SHE LIVES THREE OR FOUR DOORS DOWN. I TOLD HER SHE COULD AND SHE LEFT.

ABOUT 8:30 PM DAN CAME IN ON THE BACK PORCH WITH NO CLOTHES ON. I COULD SEE THAT HE HAD AN ERECTION. HE APPROACHED ME FROM THE BACK, AND HE PRESSED AGAINST ME. I TURNED AROUND AND TOLD HIM "NOT AGAIN DAN." THIS TIME I FOUGHT HIM. I SLAPPED HIM AND TRIED

NAME: M. Lela Daw

DATE: 9/22/99

I TO KICK HIM. HE SCRATCHED MY BACK AND MY BREASTS. HE HAD ME BY THE HAIR AND HIT ME IN THE SIDE OF THE HEAD WITH SOME KIND OF OBJECT. THAT KNOCKED ME DOWN. I WAS WEARING MY CROP TOP AND SHORTS BECAUSE I'D BEEN FOLDING CLOTHES AND THAT'S WHAT I WORE TO BED.

I GOT UP ON MY BACK AND I WAS DAZED. HE BEAT DOWN AND TOOK MY SHORTS AND UNDERGARMENTS OFF. I SCREAMED AT HIM AND FOUGHT HIM BUT I ENDED UP LYING IN. I DIDN'T THINK I HAD A CHANCE.

DANNY GOT ON TOP OF ME. THE ACTUAL ACT AND PENETRATION DIDN'T LAST THAT LONG. HE WAS INSIDE ME ABOUT FIVE MINUTES.

All I COULD THINK OF WAS THAT KIMMY WAS GOING TO WALK IN ON IT.

WHEN HE WAS DONE HE GOT OFF ME AND I TOLD HIM TO GET DRESSED. HE SHOWED NO REMORSE FOR THIS ACT. SOMETIMES AFTER HE BEAT ME HE WOULD SAY HE WAS SORRY. HE SEEMED TO BE VERY DANGEROUS TO ME AT THIS POINT.

I CLEANED MYSELF UP AND LAYED ON THE COUCH FOR AWHILE.

KIMMY CAME HOME AROUND 9:45 PM AFTER I CALLED HER.

I PUT DANNY TO BED ABOUT 10:15

NAME: Melissa DawnDATE 9/22/99

AFTER HE WAS DONE WATCHING HIS CARTOONS I SENT KIMMY TO THE BACK PORCH AROUND 10:30 PM.

SOME TIME AROUND THAT TIME FRAME I HAD A BRIEF CONVERSATION WITH SUE BUT I DIDN'T TELL HER ANYTHING.

AFTER THAT I WAS BREAKING DOWN ALL OVER THE PLACE. I THOUGHT OF MY GIRLS AND THE DANGER DANNY POSED TO THEM. I DIDN'T THINK HE WOULD BEAT THEM BUT I THOUGHT IT WASN'T BEYOND HIM TO SEXUALLY ABUSE THEM. I KNEW HE'D TRIED THINGS WITH KIMMY BEFORE, AND HE HAD RATED ME BEFORE ON TUESDAY.

I THOUGHT A LONG TIME ABOUT WHAT I COULD AND COULDN'T DO. I THOUGHT I NEEDED TO STOP IT AND END IT. I COULDN'T STAND IT ANY MORE. I COULDN'T TAKE ANOTHER BEATING OR ANOTHER RABE BY HIM.

I KNEW THAT THE EASIEST THING I COULD DO WAS LET HIM GO TO SLEEP AND NOT GET UP. I KNEW MELISSA WAS SAFE AND I THOUGHT THE FIRE WOULD MAKE ENOUGH CARBON MONOXIDE TO PUT HIM ASLEEP BUT NOT BURN MY HOUSE DOWN. I COULDN'T BEAT HIM OR STRANGLE HIM. I COULDN'T BRAIN MYSELF TO DO THOSE THINGS.

I REMEMBER GOING TO THE CLOSET AND POURING THE NAIL POLISH REMOVER

ON THE WRAPPING PAPER. THEN I CUT THE CANDLE, SET IT UNDERNEATH THE WRAPPING PAPER AND SHUT THE DOOR.

I WENT TO THE BACK PORCH AND CRAWLED INTO BED WITH KIMMY WITH THE INTENTION OF GETTING BACK UP WITHIN A RELATIVELY SHORT TIME SPAN. BUT I FELL ASLEEP.

I Woke up and heard Kimmy coughing. It looked smoky. THAT'S WHEN I REALIZED MY GOD, WHAT HAVE I DONE. I SEPT KIMMY OUT TO GET HELP AND I RAN TOWARD THE STAIRWAY BUT I REALIZED I COULDN'T GET UP THEM BECAUSE I'D SET A FIRE UNDERNEATH THEM.

THAT'S WHEN I CLIMBED TO HIS WINDOW I BROKE HIS SCREEN AND OPENED HIS WINDOW. THE HEAT AND SMOKE WERE TOO MUCH.

SOMETHING BLEW AND PUSHED ME OFF THE ROOF THE BEST YOU GUYS KNOW. THE HOUSE BURNT TO THE GROUND.

WHEN I SET THE FIRE I KNEW I HAD TO END THE ABUSE. I JUST WANTED TO ^{HIM} SLEEP AND NEVER WAKE UP. I DIDN'T WANT ANOTHER DAY OF THIS ASSAULT.

WHEN I Woke UP I DIDN'T WANT HIM DEAD. I WANTED TO SAVE HIM. I KNEW IT WAS WRONG.

THIS STATEMENT IS THE TRUTH TO THE BEST OF MY OWN PERSONAL KNOWLEDGE. I

NAME: Melissa Daus

DATE 9/23/99

KNOW THAT MAKING A FALSE WRITTEN STATEMENT IS A CRIME.

I AFFIRM UNDER PENALTY OF PERJURY THE 22nd DAY OF SEPTEMBER 1999. Melissa Daus

In. J. P. White #4193
Chief In. J. B. Magid #4096
5:44 PM

STATE OF NEW YORK

COURT

STATE OF NEW YORK)
COUNTY OF CAYUGA)
Town of SENNETT)

SS.

On <u>9-27-99</u> at <u>8:03</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	TIME STARTED	FULL NAME <u>MICHELLE A. DAVIS</u>
DATE OF BIRTH <u>02-26-63</u>	NO. & STREET <u>6072 W. LAKE RD.</u>	CITY <u>ANDOVER</u> STATE <u>N.Y.</u>

state the following:

PAGE ONE OF 1 PAGES

I HAVE PREVIOUSLY ADVISED OF MY RIGHTS 734 LINDA WELLS AND HAVIN' THOSE RIGHTS IN MIND WAKED TO MAKE THE FOLLOWING STATEMENT.

I THINK I SET THE FIRE IN THE CLOSET BECAUSE I KNEW I WOULDN'T BE ABLE TO GET TO DAN. I WOULDN'T BE ABLE TO LET UP THE STAIRS, AND DAN WOULDN'T BE ABLE TO GET DOWN THEM.

I KNEW I SHOULD HAVE CALLED THE POLICE AFTER HE RAPED ME BUT I COULDN'T PUT HIM THROUGH BEING TAKEN AWAY FROM ME AND TREATED LIKE A CRIMINAL.

I COULDN'T BRING MYSELF TO TELL PEOPLE MY SON WAS RAPING ME.

I JUST WANTED HIM TO STOP. I DIDN'T CARE WHAT HE DID TO ME, I COULDN'T BARE THE THOUGHT OF WHAT HE MIGHT DO TO KIMMY AND MEISS.

Michelle A. Davis

NOTICE

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury
this 27th day of September, 19 99.
- OR -

Michelle A. Davis
(SIGNATURE OF DEPONENT)

*Subscribed and Sworn to before me
this _____ day of _____, 19 _____.

[Signature] (WITNESS)
[Signature] (NAME OF PERSON TAKING DEPOSITION)
TIME ENDED 8:16 a.m. p.m.

*This form need be sworn to only when specifically required by the court.