

= Murder of Russel Timoshenko =

Russel Timoshenko (August 18 , 1983 ? July 14 , 2007) was a 23 @-@ year @-@ old New York Police Department (NYPD) police officer who was shot on July 9 , 2007 , and died five days later , after pulling over a stolen BMW automobile in New York City 's Crown Heights , Brooklyn neighborhood . After a four @-@ day manhunt that stretched across three states , all three suspects were eventually apprehended and convicted ? two of murder , and the third for weapons possession . At his widely attended funeral , Timoshenko was posthumously promoted to the rank of Detective . The case garnered national media attention because the weapons used were all illegally obtained handguns . This sparked widespread debate over gun control laws in New York City , and over the process by which firearms are traced by police departments .

= = Murder = =

Timoshenko and his partner , Officer Herman Yan , had been driving in a marked 71st precinct police car on a routine patrol in Crown Heights , with Timoshenko riding as the passenger when they spotted a 2003 black BMW sports utility vehicle headed westbound on Lefferts Avenue at 2 : 30 am . The officers scanned the BMW 's license plate on a computer in their police car . When the check came back , it indicated that the plate was assigned to a 2007 Mitsubishi Outlander , not the BMW . Timoshenko and Yan signaled for the vehicle to pull over , and the driver complied , turning north onto Rogers Avenue , where both officers got out of their car and approached the stopped vehicle .

Before the officers arrived at the front of the car , Dexter Bostic , 34 , opened fire from the passenger 's seat with a .45 caliber handgun , striking Timoshenko once in the face and once in the throat . Yan had been approaching on the driver 's side , while Timoshenko was coming up from the passenger 's side . From the back seat of the BMW , Robert Ellis , 34 , shot Yan with a 9mm handgun , striking him in the arm and chest ; Yan was saved by his ballistic vest and was able to return fire . A third suspect , 29 @-@ year @-@ old Lee Woods , was driving the BMW at the time of the shooting . After firing at least seven rounds at the officers , the three suspects fled the scene . Police later found the abandoned car on Kingston Avenue , about four blocks from where the shooting occurred .

Timoshenko was rushed to Kings County Hospital Center once medical personnel arrived at the scene . Each of the two bullets that struck Timoshenko cut across his spinal cord , just beneath his brain , which left him unable to breathe on his own or to move his muscles . According to doctors , he had no oxygen for 15 to 20 minutes after he was shot because of his initial paralysis . The loss of oxygen left him in a coma since the shooting , so he was placed on life support machines that allowed him to breathe . Tests conducted on July 14 determined that he had no brain activity (matching the definition of legal death in the state of New York) ; as a result , the doctors pronounced him dead at 4 : 14 p.m. and turned off the artificial respirator . He was 23 years old at the time of his death .

= = = Motive = = =

Media reports stated that the men committed the crime in an effort to avoid returning to prison , as all three had violent criminal records . Bostic previously served nine years in state prison for assault , robbery , and sodomy in 1990 . He was sent to prison again in 2001 to serve three years for armed robbery (in which an accomplice fired shots) , resulting in his second felony . In 1992 , at the age of 19 , Ellis was convicted of first @-@ degree rape and sodomy . Woods was sent to prison in 1997 , also at age 19 , for illegal weapons possession and assaulting a police officer during his arrest .

If the police identified Bostic even before the shooting occurred , he would have faced a two @-@ year prison sentence for violating the terms of his parole , since he was out past his curfew . After the shooting , police discovered the BMW had been stolen from the Five Towns Mitsubishi car dealership in Inwood , Long Island where Bostic worked as a salesman . A motor vehicle theft or gun possession conviction would have been Bostic 's third felony , likely resulting in a lengthy prison

sentence .

= = Aftermath = =

= = = Manhunt = = =

Police apprehended Lee Woods at the home of his girlfriend , Nicole Bostic (Dexter Bostic ? s sister) in Far Rockaway , Queens , New York on July 10 . He identified Bostic and Ellis as his accomplices , and told police that while he knew his friends had guns , he was unaware they were going to open fire on the officers . City detectives were tipped to the whereabouts of Bostic and Ellis on the afternoon of July 11 , after being contacted by man who , unaware of the suspects ' fugitive status , assisted the suspects in their escape by driving them across Long Island , from Far Rockaway to Port Jefferson , New York , before riding a ferry across Long Island Sound to Bridgeport , Connecticut . They then drove west , stopping at a supermarket in Tarrytown , New York , where they purchased food and water , before continuing on to Pennsylvania , according to New York City Police Commissioner Raymond Kelly . Remnants of the same food the men purchased were found in a Pennsylvania forest , where investigators had eventually tracked the suspects .

Hundreds of NYPD officers , U.S. marshals , and Pennsylvania State Troopers were involved in the manhunt , using helicopters and four police dogs to assist with the search . By July 11 , 2007 , the bounty for information leading to the whereabouts of Bostic and Ellis reached \$ 64 @, @ 000 , with the Patrolmen 's Benevolent Association proposing an additional \$ 25 @, @ 000 . The driver initially dropped off Bostic and Ellis about 14 miles from where Bostic was finally arrested in Pocono Township , Pennsylvania .

On July 11 , a passing motorist spotted the fugitives by Interstate 80 and called police . The men fled when authorities arrived at the scene shortly after , but Bostic was tackled by a state trooper shortly after 6 p.m. , while Ellis managed to escape . At 8 a.m. the next morning , Ellis was cornered near I @-@ 80 by two police dogs . Both men were extradited to New York from Pennsylvania on July 12 . Police brought Timoshenko 's handcuffs and used them to apprehend Ellis during his arrest . Police did not release the name of the driver who assisted the suspects .

= = = Mourning = = =

Over 30 @, @ 000 people attended Timoshenko 's funeral in Flatlands , Brooklyn , where Mayor Michael Bloomberg delivered the eulogy , praising the fallen officer , stating , " By stopping that car , he and Officer Yan helped us capture three career criminals whose appetite for evil knew no bounds ? saving who knows how many future victims , people who will never know how lucky they are . " Detective Timoshenko ? s name is engraved on Panel 16 @-@ West , Line 26 of the National Law Enforcement Officers Memorial in Washington , DC .

= = = Awards and recognition = = =

Timoshenko had served with the NYPD for 18 months . In a ceremony held on July 27 , 2007 , Timoshenko was posthumously promoted to the rank of Detective First Grade and his partner , Herman Yan , was promoted to Detective . Mayor Bloomberg called the promotion , " A small measure of our appreciation for the supreme sacrifice that Russel made , and to honor his life . "

On June 16 , 2008 , Mayor Bloomberg and NYPD Commissioner Kelly bestowed the New York City Police Department Medal of Honor on Timoshenko and Yan . The award is the highest law enforcement medal given by the NYPD , which was awarded posthumously Timoshenko and accepted by his parents in a ceremony held at the NYPD headquarters in New York . New York Governor David Paterson named the two officers Police Officers of the Year in New York State on July 24 , 2009 . The award , first given in 1983 , recognizes a single police officer or team for " an

exceptional act of valor symbolizing the service of police in New York State . "

On October 6 , 2009 , Timoshenko 's parents accepted the James S. Brady Law Enforcement Award (named after the former assistant to President Ronald Reagan) , given to their son posthumously in recognition of his commitment to public safety through his outstanding law enforcement career . The award was presented by NYPD Commissioner Kelly .

In November 2009 , a local street , Durant Avenue , was renamed to Detective Russel Timoshenko Way in the detective 's honor . Incidentally , following the controversial decision to rename a street to Sean Bell Way for police shooting victim Sean Bell , some community members had recommended doing the same for Timoshenko . However , the latter case had attracted much less media attention .

= = Trial = =

All three suspects were arraigned and charged with aggravated first degree murder for the killing of Timoshenko , and other charges related to the wounding of Yan , including attempted murder and aggravated assault on a police officer . They faced life in prison if convicted of the first degree murder charges . The city 's police union and other parties asked federal prosecutors to take over the case so that the three suspects could face the death penalty , but the case was tried by the Brooklyn district attorney on November 10 , 2008 , after federal officials refused to prosecute the case . Although the three defendants were being prosecuted simultaneously , there was a rare separate jury assigned to each of them .

On December 17 , 2008 , Robert Ellis was found not guilty on the charges of aggravated murder and attempted aggravated murder , but was found guilty on three charges of gun possession . On January 14 , 2009 , a judge sentenced Ellis to 15 years in prison on the gun possession charges . On December 19 , 2008 , Dexter Bostic was found guilty of aggravated murder , attempted aggravated murder , and three charges of gun possession ; he was sentenced to life in prison without the possibility of parole .

Lee Woods was tried twice , after his first trial ended in a mistrial due to a juror in her 20s falling ill . Wood 's attorney , Samuel J. Karlin , told the judge his client wanted to continue with the ill juror , instead of using an alternate . At his second trial on March 16 , 2009 , Lee Woods was found guilty of aggravated murder , attempted aggravated murder , and 3 charges of gun possession . He was also sentenced to life in prison without the possibility of parole .

Prosecutors believed Nicole Bostic , 26 at the time , aided Lee Woods in hiding the guns found in the BMW that Timoshenko and Yan pulled over , dumping them in a nearby garage before police retrieved them ; N. Bostic , however , only admitted to giving Woods a ride . She pled guilty to helping the three men escape , and originally faced seven years in prison for her role . She later accepted a plea bargain , pleading guilty to a misdemeanor count of hindering the prosecution in exchange for three years probation , thereby avoiding jail .

= = Gun legislation = =

Several press accounts reported that Timoshenko was shot by an unlicensed gun that came from Virginia . Previous reports indicated that the gun dealer had previously been indicted for his illegal gun sales , and that all the weapons found in the BMW were illegally obtained . The gun shop in question is now closed , and the dealer has been stripped of his license . Because the gun was used by a person with a criminal history , and because the NYPD was denied requests to look up the seller of the gun , legislators sought to make it easier for law enforcement to carry out their investigative duties .

= = = Senate hearings = = =

In September 2007 , Senator Charles Schumer questioned Michael J. Sullivan , nominated to be the director of the Bureau of Alcohol , Tobacco , Firearms and Explosives (ATF) , at a Senate

Judiciary Committee hearing looking into why the NYPD 's request for information on who had sold the gun (used to kill Timoshenko) was denied . The NYPD asked the ATF for data about which dealers in Virginia supplied the most crime guns ? like the one used to kill Officer Timoshenko ? so they could identify the traffickers . The ATF refused that request for data , citing the Tiahrt Amendment , which restricts cities ' access to and use of ATF trace data) . The New York Daily News ran a headline editorial in support for repealing the amendment , entitled " Congress Owes This Hero . "

At the Senate hearing in Washington D.C. , Schumer stated , " If this is true , it is an outrage . If it is true , it is a horrible example of gun laws gone wrong . " Sullivan , then acting director of the ATF , replied to the criticism , stating , " I 'm not sure why the request was turned down " , and pledged to look into the matter and provide further clarification in writing .

= = = New gun laws for New York City = = =

The complications regarding the illegal firearms used in Timoshenko 's murder inspired new laws passed in New York City , which authorized new penalties , touted as " part of the toughest illegal gun possession law in the country . " A public awareness campaign , named " GUNS = PRISON " , featured posters calling attention to the 3 ½ year prison sentence given to anyone caught carrying an illegal loaded handgun in New York . At a press conference , Mayor Bloomberg stated , " Police Officer Russell Timoshenko was just the latest victim killed by a gunman firing at close range . If the prospect of three and a half years in jail deters just one would @-@ be killer from carrying a gun and taking the life of another police officer in another deadly confrontation , then the law and the efforts to publicize it are well worth it . " NFL player Plaxico Burress was charged with this new law due to an incident that occurred inside of a New York City nightclub . On August 20 , 2009 , Burress plead guilty to a gun possession charge and agreed to a two @-@ year prison sentence .