

Multiple wounds in fatal shooting - Probe - Times Herald-Record, The (Middletown, NY) - June 20, 2018 - page A6

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WARWICK — Autopsy results on the man who was shot and killed by police Saturday in the Village of Warwick indicate the man died of multiple gunshot wounds, the Orange County district attorney said Tuesday.

Orange County District Attorney David Hoovler said investigators will be submitting toxicology tests to a crime lab to determine if the man who was shot and killed, identified as **Dwayne Clyburn**, 37, had drugs or alcohol in his system. A lab will also be conducting forensics tests.

Hoovler would not say how many times Clyburn was shot or precisely where the bullets struck him. The fatal shooting occurred about 3 p.m. Saturday at 24 Wheeler Ave. as Town of Warwick police responded to a domestic disturbance.

Police said Clyburn, who was armed with a knife, advanced on them, refused commands to drop the knife, and a town officer shot him.

The knife has been recovered. It's about 7 inches long, Hoovler said, but he declined to describe what kind of knife it is.

Two neighbors who live on Wheeler Avenue said they heard three loud cracks shortly after 3 p.m. Authorities have declined to specify the number of shots fired or identify the officer who fired the shots.

Hoovler said he expects the toxicology test results back in about 12 weeks. State police are conducting an investigation into the fatal police shooting. Once that investigation is complete, Hoovler said, the conclusions, along with the lab results, will be submitted to an Orange County grand jury.

The grand jury will determine if the officer who killed Clyburn should face charges. The police officer has been placed on administrative leave.

Hoovler has said that a person was injured at the address before police arrived. Authorities have declined to comment on the extent of the injuries, the identity of the person harmed, or the relationship between Clyburn and that person.

Neither Hoovler nor town police Lt. Tom Maslanka, who briefed reporters at the scene on Saturday, would say how many officers responded to that call. Maslanka said some town officers are equipped with Tasers, but he would not say if the officers who responded Saturday were equipped with the stun weapons.

Hoovler said the question of whether Tasers or other, less-deadly force could have been used will not enter into his analysis of the case under New York law. The question, Hoovler said, is whether the officer was justified or not justified to fire his weapon.

“Whether you could have used a Taser or pepper spray is a question for a civil jury,” Hoovler said.

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