

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR, COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK | STATE OF NEW YORK
COUNTY OF QUEENS

V.

MIKHAIL MALLAYEV
DEFENDANT

SERGEANT OSCAR FERRUFINO OF QUEENS HOMICIDE SQUAD, TAX REG#: 893983, BEING DULY SWORN, DEPOSES AND SAYS THAT ON OR ABOUT OCTOBER 28 2007 AT ABOUT 10:45AM, IN FRONT OF 102-35 64 ROAD, COUNTY OF QUEENS, STATE OF NEW YORK

THE DEFENDANT COMMITTED THE OFFENSES OF:
PL 125.25-1 MURDER IN SECOND DEGREE
PL 265.03 (3) (12/15/2006) CRIMINAL POSSESSION OF A WEAPON IN THE
SECOND DEGREE - AN ARMED FELONY OFFENSE;
DNA SAMPLE REQUIRED UPON CONVICTION

IN THAT THE DEFENDANT DID: WITH INTENT TO CAUSE THE DEATH OF ANOTHER PERSON, CAUSE THE DEATH OF SUCH PERSON OR OF A THIRD PERSON; POSSESS ANY LOADED FIREARM. SUCH POSSESSION SHALL NOT, EXCEPT AS PROVIDED IN SUBDIVISION ONE OR SEVEN OF SECTION 265.02 OF THIS ARTICLE CONSTITUTE A VIOLATION OF THIS SUBDIVISION IF SUCH POSSESSION TAKES PLACE IN SUCH PERSON'S HOME OR PLACE OF BUSINESS

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT STATES THAT HE IS INFORMED BY PERSONS KNOWN TO THE NEW YORK CITY POLICE DEPARTMENT AND THE QUEENS COUNTY DISTRICT ATTORNEY'S OFFICE, THAT AT THE ABOVE -MENTIONED DATE, TIME AND PLACE OF OCCURRENCE, AN INDIVIDUAL MALE WHITE SHOT THE VICTIM, DANIEL MALAKOV, WITH A LOADED FIREARM, THEREBY CAUSING HIS DEATH. DEPONENT FURTHER STATES THAT HE OBSERVED A MAKESHIFT SILENCER, FASHIONED OUT OF A PLASTIC BOTTLE AND DUCT TAPE, ON THE GROUND IN THE IMMEDIATE VICINITY FROM WHICH THE ABOVE-DESCRIBED MALE SHOT DANIEL MALAKOV.

DEPONENT FURTHER STATES THAT HE IS INFORMED BY CRIMINALIST RICHARD HERLIHY OF THE NEW YORK CITY POLICE LABORATORY THAT EIGHT LATENT FINGERPRINTS WERE LIFTED FROM THE AFOREMENTIONED SILENCER. DEPONENT STATES THAT HE IS INFORMED BY DETECTIVE DANIEL PERRUZZA OF THE LATENT PRINT SECTION OF THE NEW YORK CITY POLICE DEPARTMENT THAT THE LATENT PRINTS LIFTED FROM THE SILENCER MATCH THE FINGERPRINTS OF THE DEFENDANT, MIKHAIL MALLAYEV, WHICH ARE ON FILE WITH THE NEW YORK CITY POLICE DEPARTMENT.

DEPONENT STATES THAT HE IS INFORMED BY DETECTIVE KEITH WELZ OF THE QUEENS HOMICIDE SQUAD, THAT THE DEFENDANT IS A FIFTY-YEAR OLD WHITE MALE, APPROXIMATELY FIVE FEET EIGHT INCHES TALL, WITH A CHUBBY BUILD. DEPONENT FURTHER STATES THAT THE WITNESSES WHO OBSERVED THE SHOOTING OF DANIEL MALAKOV DESCRIBED THE SHOOTER AS A WHITE MALE BETWEEN 48 AND 52 YEARS OLD, ABOUT FIVE FEET EIGHT INCHES TALL, WITH A CHUBBY BUILD.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW

11/24/2007 SERGEANT OSCAR FERRUFINO

SWORN TO BEFORE ME ON THE
DAY OF

11/24/2007 JUDGE ALEX ZIGMAN