

## MURDER TRIAL

# Officer testifies he is 70% sure Parker fired shots

By MATT GRUYA  
News Staff Reporter

Buffalo police Detective Michael Martinez Friday insisted he remains 70 percent sure that Jonathan Parker was the hooded man who wounded him and fatally shot his partner, Officer Charles "Skip" McDougald, 18 months ago.

Martinez, 30, told Erie County Judge Michael L. D'Amico and the jury at Parker's death-penalty trial that he backed off Thursday on identifying Parker as the shooter during cross-examination by a defense attorney only

because he isn't "100 percent sure."

Asked Friday by prosecutor Joseph J. Marusak if he believed that Parker was not the shooter, Martinez replied, "No."

Completing two days of testimony, Martinez said the last words he heard from McDougald, his partner for 3½ years, was a groan and the words "Oh, God" just after he was fatally shot in the chest on April 9, 1997.

Parker, 20, who began serving a 15-year prison term on unrelated gun cases two weeks after the shooting, faces a possible death sentence if convicted of first-degree murder in the death of McDougald, a 36-year-old fa-

ther of four.

The trial is to resume Monday.

Martinez, who has recovered from the gunshot wound that shattered his right ankle, testified that he managed to crawl back into the patrol car and radio for help as the shooter fled.

He conceded that he only saw the face of the assailant for "five to six seconds" during the fast-moving incident on Northampton Street.

Martinez testified that hours after the shooting he identified a police mug shot of Parker as someone who looked like the shooter. And although he told officers he recognized a mug shot of Aaron Yarborough, a stolen car sus-

pect he was trying to find, he is sure Yarborough wasn't the shooter.

Martinez said he picked out the mug shot of Parker while being shown an array of what he called men who were "similar" physically. He said he picked the Parker photo based on "what I observed" during the shooting and not because of coaxing by other officers.

On Wednesday, Cassandra Lott, a registered nurse and an honorably discharged veteran of the U.S. Army, testified that she saw Parker — who she then knew only by his street name of

# Parker: McDougald's widow present in court

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"Face" — initiate the fatal exchange of gunfire with McDougald.

With his own wife and McDougald's widow, Sylvia, in the courtroom Friday, Martinez told the jury he identified Parker's mug shot as looking like the shooter the day of the fatal incident well before anyone told him Parker was a suspect or he heard broadcast news reports identifying him as a suspect.

Martinez, who testified that Parker's physical makeup is "about the same as" the shooter's, said the shooter began to walk faster across the street as McDougald yelled out to him a second time to "stop," prompting both officers to leave their patrol car to go after him.

Though neither officer had drawn his service pistol, Martinez

said he saw a gunshot "flash" come from the shooter and strike McDougald in the chest, causing him to groan and then yell "Oh, God" as Martinez was walking around the back of the patrol car.

At that point, Martinez testified that he was knocked to the ground with a gunshot wound to the ankle, as the shooter and McDougald exchanged gunfire. Martinez said he had to crawl around the patrol car to call for help, because he fell as he tried to stand.

Also on Friday, Aaron Lott, Mrs. Lott's currently imprisoned husband, testified that he isn't sure if Parker or the two police officers fired the first gunshots during the incident that they and their friend, Eric "Bop" Morris, witnessed after stopping to talk to Parker on Northampton Street.

Lott, 31, serving a federal prison term for cocaine trafficking,

said he didn't pay attention to Parker during the brief exchange of "a whole lot of shots" fired in five seconds or less.

He said he lost sight of Parker, who he has known for seven years, but said he told his wife and Morris as soon as he saw the two officers leave their car, "Looks liked them officers going to mess with Jon (Parker)."

Though John V. Elmore, one of Parker's attorneys, contended Lott saw the first gunfire come from the police officers and not Parker — contradicting testimony Mrs. Lott gave Wednesday — Lott told the jury he has no idea where the first gunshot "flashes" came from.

He said he lost sight of Parker, but moments after the gunfire ended, he saw a man he is unable to identify running from the scene.

## MURDER TRIAL

# Martinez doubted he could identify shooting suspect, lieutenant testifies

By MATT GRUYTA  
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A police officer who survived an attack that took the life of his partner didn't think he could identify the assailant and was in such a state of shock, grief and pain that a superior took his weapon from him, the jury at Jonathan Parker's murder trial learned Monday.

Buffalo Police Lt. Thomas C. "TC" Smith said he was with Michael Martinez at the Erie County Medical Center when Martinez learned of the death of Charles "Skip" McDougald, about an hour after the shooting on Northampton Street.

"I didn't want the gun to be near him at that time," said Smith, a supervisor of Martinez and McDougald for about eight years in the city's high-crime Genesee Police Precinct.

Smith told Erie County Judge Michael L. D'Amico and the jury of seven women and five men that when he relayed the news to Martinez — whose right ankle was shattered by a gunshot just before 1 a.m. April 9, 1997 — he began crying and repeating Smith's nickname.

The subject of a two-day nationwide manhunt before he calmly came out of hiding two days after the incident, Parker, 20, of Tius Avenue, has been serving a 15-year prison term on unrelated gun cases since 14 days after the fatal shooting.

If convicted of first-degree murder in the death of the 36-year-old police officer — who was also a substitute teacher in the Buffalo Public Schools — Parker could face the death penalty.

This is the first capital case in Western New York since the death penalty was reinstated in 1995.

A fifth day of testimony gets under way today with more police crime scene witnesses expected to testify.

Smith said Monday he and another supervisor were returning to the Genesee Station from police headquarters downtown when they heard the police radio report of an "officer down" on Northampton.

Speeding to the scene of the shooting, Smith said he saw McDougald lying face down near the driver's side of his patrol car being looked at by other officers. Smith said he went to the wounded Martinez, who was lying in the front of the patrol car.

Smith said he drove the mortally-wounded and unresponsive McDougald to the county hospital in that patrol car rather than wait for an ambulance because he was "just trying to save his life."

As he watched an ECGM trauma team work on McDougald minutes later, Smith said he "just knew he was dead" and went to tell Martinez.

Martinez, now 30, said an hour after the shooting that he didn't think he could identify the shooter, Smith said.

But based on his description of the assailant, Smith put out a call over the police radio for a black male who was 5 feet 8 inches or 5 feet 9 inches tall, wearing a black jacket, in his mid-20s, with light skin, he told the jury.

Late last week, Martinez, now a detective, told the jury he is 70 percent sure Parker was the shooter. Cassandra Lott, 28, a registered nurse who has known Parker for several years, told the jury she saw him fire the shot that killed McDougald. On Monday, Lt. Smith said Martinez, "in obvious pain" at ECGM an hour after the shooting, just began crying and repeating Smith's nickname at least eight times after told of his partner's death.

A veteran of what he called "21 long years" in the Genesee precinct, Smith told the jury he still drives back to the scene of McDougald's murder every night in memory of the slain officer.

Earlier Monday, Police Officer Brendan Klefer, the first officer to come to McDougald's aid at the shooting scene, told the jury McDougald displayed no signs of life as he lay on the street bleeding.

