

**STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE**

THE PEOPLE OF THE STATE OF NEW YORK

vs.

Legacy # 00397-2025

Ind. # 70927-25/001

Bryan Chiclana,

Defendant

Michael J. Keane, Esq.
District Attorney, Erie County
Christopher S. Safulko, A.D.A.
for the people

Robert J. Cutting, Esq. &
Florina Altshiler, Esq.
for defendant

MEMORANDUM DECISION AND ORDER

M. WILLIAM BOLLER, A.J.S.C.

The defendant is charged with Murder in the First degree, pursuant to Penal Law §125.27(1)(a)(viii) and two counts of Murder in the Second Degree, pursuant to Penal Law §125.25(1) by way of indictment. The defendant has filed a motion seeking various relief including challenging the admissibility of statements made by the defendant. The defendant argues the statements were not voluntarily made. The People have opposed this motion. A hearing was conducted pursuant to *People v. Huntley*, 15 NY2d 72 over the course of three days- October 21, 2025, November 6, 2025 and November 12, 2025. The People called five witnesses, Emergency Medical Technician (EMT) Milagro Herrera, Interpreter James Lyons, Buffalo Police Officers John Gravius and Sean Ford, and Detective Chris Sterlace. Additionally,

body camera footage of Officer Ford, Gravius and Garcia, as well as a Spanish Miranda card, statement of EMT Herrera, a CAD report and three transcripts of an interpreter were admitted into evidence. Both the People and defense submitted memorandums of law on December 5, 2025.

The testimony at the hearing shows that on the afternoon of March 4, 2025, Buffalo Police responded to a call at 5 St. Louis Place in the City of Buffalo. Officer Gravius and Ford arrived on scene shortly after their Lieutenants. Officer Gravius observed an individual standing in the doorway, later identified as Bryan Chiclana. The defendant had visible cuts on his neck and blood on his face which prompted the officers to call for an ambulance. They patted down the defendant briefly for weapons and placed him, un-cuffed, in the patrol car while waiting for the ambulance. Initially, the officers were unable to speak in detail with the defendant due to a language barrier as the defendant spoke Spanish. The officers were able to ask a few questions and received answers while patting the defendant down. Later, with the help of another officer, Liana Rodriguez, over the telephone, were able to briefly speak with the defendant. After a period of time, the ambulance arrived and the defendant was turned over to the EMTs for a medical evaluation. An ambulance did arrive on scene and a Spanish speaking EMT was able to speak with the defendant when starting the evaluation and treatment while the defendant was un-cuffed in the back of the ambulance. Later, the officers entered the basement of the building and observed blood on the floor and eventually, two deceased individuals. This was approximately forty-five minutes after arriving on scene. After making these observations, Officer Ford went to the ambulance and handcuffed the defendant to the gurney. The officers asked the EMT to ask a few questions after the defendant was handcuffed. Later, at the hospital, Detective Chris Sterlace as well as a Spanish speaking officer attempted to interview the defendant. Prior to this

attempted conversation, the defendant was advised of his Miranda warnings by was of a Spanish language Miranda card. After being advised of his Miranda warnings, the defendant requested an attorney, thereby ending the interactions with Detective Sterlace.

There are a number of "sets" of statements made by the defendant. First, there are statements made to responding Buffalo Police Officers at the scene including through the phone. Second, there are statements made to the EMT which can further be broken down to initial statements regarding treatment and then questions asked through the EMT by the police. Finally, there are statements made at ECMC.

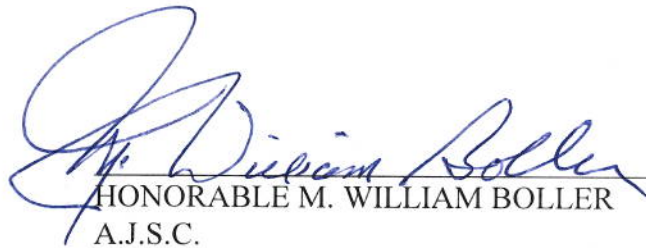
The initial statements at the scene to the Buffalo police officers were investigatory in nature. The statements made to the EMT were for the purposes of medical treatment, and prior to the defendant being handcuffed, the statements asked through the EMT by the police were investigatory in nature. Later, the statements made at the hospital were either spontaneous or after the defendant was advised of his Miranda warnings. These statements are all admissible.

There were statements made, however, after the two bodies were located and the defendant was then handcuffed to the gurney. They were asked by the EMT at the specific direction of the police. They consist primarily of whether the defendant had see anyone enter the home. While generally statements made during the course of treatment to medical personnel who are not law enforcement would not be subject to the requirement of Miranda warnings, in this case, the EMT was acting as an agent of the police. The police directed her to ask a specific question which prompted an answer. The situation was custodial at this time, as the officers found two bodies and further handcuffed the defendant preventing him from leaving the scene. Officer Ford also testified he was being placed into custody for a Mental Health Law 9.41 hold. Therefore, this specific statement, made after the defendant was in custody and police directed

the EMT to ask a question, is inadmissible (whereas the prior statement produced from the EMT asking the defendant questions on the police behalf prior to the defendant being placed in custody is admissible).

The Court finds that, other than the one statement outlined immediately proceeding which has been determined to be inadmissible, the prosecution has produced credible, trustworthy evidence and has sustained the burden to establish beyond a reasonable doubt that the statements made by the defendant were voluntary; that no force, duress or promises were made to the defendant to induce the statements. Defendant's motion to suppress his statements is therefore **DENIED** as to the remaining statements.

SO ORDERED.



HONORABLE M. WILLIAM BOLLER
A.J.S.C.

DATED: December 15, 2025
BUFFALO, NEW YORK