



OFFICE OF THE DISTRICT ATTORNEY

P. DAVID SOARES

6 LODGE STREET

ALBANY, NEW YORK 12207

(518) 487-5460

(518) 487-5093 FAX

Contact: Cecilia Walsh (518) 275-4710

For Immediate Release: December 11, 2018

Resolution in Cohoes Shooting Death Case



ALBANY, NY- District Attorney P. David Soares announced today that SHAWN ROGOWSKI, 23, of Cohoes, pleaded guilty to (1) Count of Criminal Possession of Marijuana, a Class A Misdemeanor, before the Honorable Andra Ackerman in Cohoes City Court this morning.

ROGOWSKI faces (3) years of Probation when sentenced on February 12, 2019.

On August 5, 2018, ROGOWSKI possessed a quantity of marijuana while inside of his residence on Remsen Street in the City of Cohoes.

On that date, ANDY SOUSIE, 31, of Troy, personally or in concert with another person or persons, unlawfully entered ROGOWSKI's residence in an attempt to commit the crime of Burglary in the Second Degree.

An investigation uncovered that during the incident ROGOWSKI fired a legally possessed shotgun at the intruders who were unlawfully entering his residence. DARYL SOUSIE, SR., 37, of Troy, was ultimately struck in the abdomen and later died as a result of the injuries.

ANDY SOUSIE pleaded guilty to (1) Count of Attempted Burglary in the Second Degree, a Class D Violent Felony, before the Honorable William A. Carter in Albany County Court on November 8, 2018, and faces up to 5 years in State Prison, to be followed by 5 years of Post-Release Supervision when sentenced on January 10, 2019.

A third party was also charged in relation to the incident. MICHAEL PEABODY, 49, of Cohoes, was charged with (1) Count of Conspiracy in the Fourth Degree, a Class E Felony, and his case remains open and pending.

“A careful review of the facts led to the conclusion that Mr. Rogowski was justified in his actions to fend off felony burglary intruders in his home,” commented DA David Soares. “Justification for homicide can be used in certain self-defense situations, such as this. Our investigation concluded that the use of lethal force by Mr. Rogowski was in response to a reasonable apprehension of imminent death or great bodily harm to himself or others in the home.”

The investigation into this matter has concluded and no further charges are expected for any parties at this time.

Chief Assistant District Attorney David Rossi and Assistant District Attorney David Szalda handled the prosecution of this case.

For more information please contact Cecilia Walsh (518) 275-4710.

All parties are presumed innocent until and unless convicted

###