

## **Ted Scardino**

### ***Volunteer Firefighter of West Webster Fire Department***

Good afternoon members of congress. My name is Ted Scardino and I am 48 years old. I live in Webster, NY. Webster is a small community of 40,000 people on the beautiful shores of Lake Ontario. I am married and have 3 children. I am a volunteer firefighter with the West Webster Fire Department. I have been a volunteer for 16 years. I am going to tell you how this community was forever changed by a senseless act of violence with a gun that should not have been in the hands of the person who committed the act.

On Christmas Eve 2012 at 5:35 am we received a call for a reported car fire next to a house. I immediately responded to the firehouse, met firefighter Mike Chiapperini and we responded to the scene in pumper 125.

Upon arriving on the scene it appeared as though we had a routine car fire. I exited the truck with my air-pack, at that point I heard 3 pops which I thought were the shocks or tires on the car exploding. Mike (who was also a police officer) immediately recognized it as gunfire, he jumped out the passenger door and I ran to the back of the truck. As I was running I could hear bullets hitting the truck, when I got to the back of the truck I was hit in the back. I fell to the ground and crawled under the truck. I quickly assessed my condition and felt I could survive this if I played dead under the truck until the police arrived. In my mind I thought that the police would be there in 5 minutes and this ordeal would be over quickly.

All that I heard was gunfire as the madman with the assault rifle shot and killed Mike Chiapperini and Tomasz Kaczowka, shot Joe Hofstetter as well fired at the police officers and other fire trucks that responded. Joe was shot in the lower body but was able to crawl to the driver's side door of the truck. Joe was able to reach the radio and communicate with the fire dispatcher. I am going to play a brief clip of the transmissions. **PLAY AUDIO CLIP OF JOE DECLARING THAT WE ARE BEING SHOT AT**

As I laid there in fear I wondered if I would ever see my family again, would I be shot again, what would happen next. After about five minutes I was shot again in the leg just above the knee. The shooter threw two bottles of gas at the truck and shot at the ground to try to ignite them and set the truck on fire. The bullet ricocheted and hit me, fortunately the gas did not ignite.

After a few more minutes I heard the fire truck go into gear, Joe was driving and was going to attempt to rescue himself. As the truck pulled away there was an eruption of gunfire, the shooter hit the truck 38 times. Joe made it about 150 feet and crashed the truck as he was driving it hanging out the door and giving it gas with his hands. Now I had lost my cover and did not have the protection of the fire truck anymore. As I lay there now I was sure the gunman was going to shoot at me since now he could see me again.

I continued to play dead, it was now about 6am and I had been laying there for 15 minutes. I laid there in fear beyond what anyone can imagine. Little did I know that I would be lying in the

road for an hour and a half, time felt like it was an eternity. It was just not safe for the police to clear anyone into the scene given the firepower that the shooter had. Finally the swat team arrived and rescued me.

I was rushed to the hospital with a gunshot wound to the back and leg, in the emergency it was determined I had a collapsed lung, 3 broken ribs, a broken shoulder blade, a brachial plexus (nerve bundle) injury and a flesh wound on the leg. I spent 8 days in the, I had two chest tubes inserted in an attempt to re-inflate my lung, at one point the doctor was considering removing a part of it. My heart sank as I heard this, she offered an alternative procedure which fortunately re-inflated the lung.

The good news is I am recovering now, my biggest challenge is the brachial plexus injury. The nerve injury left my arm and hand paralyzed, I have been going to therapy 5 days a week. The therapists state I have a long road ahead of me, months of therapy, my arm has almost full range of motion back, my hand nerves still need more time to come back.

This has been a life changing event for me. As if losing two good friends would not be enough I am dealing with personal disabilities. The loss of function of your arm and hand is hard to comprehend until you experience it. I would never have imagined how hard it is to do simple day to day things or what you cannot do anymore. Simple things like getting dressed, tying your shoes, opening a bottle, jogging, the list goes on and on. I am a very handy person and like to repair and fix things on my own, at this point I cannot do any of this now.

This tragedy also impacted my family, I called my wife from the ambulance to tell I was on the way to the hospital and had been shot. While I couldn't see her face I could hear the fear in her voice. That call led to a chain of events that instilled the same fear in my children and my mother. Over the next two days they spent countless hours sitting in the ICU waiting room praying that I would be OK and then coming to the hospital daily for the next two weeks.

Now I would like to share some words from the other three families on how this tragedy has impacted them.

## **Joseph Hofstetter**

How my life has changed since 12/24/12...

I think of the obvious things first. I am in constant pain. Besides my shattered pelvis and the bullet in my spine, I have severe nerve damage to my left quad muscle that causes extreme nerve pain at times. I also have severe muscle weakness. I have a long road of physical therapy in front of me to regain strength and range of motion. There is hope that I will recover fully, but my prognosis is really unknown at this time.

This event has of course impacted my family. They were devastated to see me in the condition I was that morning. And they have struggled to see me in as much pain as I am in at times. I know they have struggled to go through their daily lives while I am in the condition I'm in. They have felt better as I have improved, but it is still very difficult for them each day.

I struggle with what has changed for me...

I am a Career Firefighter with the City of Rochester. I am out of work long term from my dream job... the only job I really ever wanted. The hope is that I can go back to full duty someday.

I was very physically active before this happened to me. I worked out 4 days a week at the gym. I'm 33 years old, and was in the best physical shape of my life. I love to hike, travel and camp. I run in the spring and early summer, with running the Utica Boilermaker 15k race every July being the highlight of my year. At this time I don't know if or when I'll be able to do those things again. It's really devastating to me. In fact right now I would normally begin my training runs, with the St. Patrick's Day 5 mile race being my first of the year.

Most importantly I have lost 2 colleagues and friends. I knew Tomasz a short few years, but he was a very nice person to be around and chat with. He was intelligent and funny. Mike was a friend of mine for years also. He was helpful and so good at everything he did. I have endless stories of how he has helped me over the years. He was a great firefighter. I miss both of those guys so much every day. I constantly think and worry about their families who have lost so much.

### **Mike Chiapperini's family**

Kim Chiapperini lost her husband, best friend, and love of her life on the morning of December 24<sup>th</sup>, 2012. They will never be able to share in all of their hopes and dreams for the future. The void in her life where Mike once was will never be filled. She now finds herself tasked with raising their children on her own.

Nick Chiapperini lost his father. They were extremely close and they enjoyed serving in the West Webster Fire Department together. Also, Nick lost one of his closest friends, Tomasz Kaczowka, that same tragic morning.

Kylie and Kacie Chiapperini, two little girls, ages 3 and 4, will grow up without a dad. They will never feel the warmth of his hugs, never hear him read them a bedtime story again. He will not be there to walk them down their wedding aisle, something he had looked forward to.

### **Tomasz Kaczowka's Family (written by his brother Dariusz)**

Driving to work the morning of December 24<sup>th</sup> 2012, I saw something the average commuter probably sees on a rather frequent basis: first responders responding to a call. Pulled over to the side of Bay Road, I watched as this particularly large group of police, fire, and medical personnel raced by me with lights flashing and sirens wailing. A mixed feeling of curiosity and anxiety came over me, but I shrugged it off and kept driving. I had no idea how the scene I had just witnessed would impact my life. A few hours later, I would find out that my younger brother Tomasz was shot and killed while trying to put out a house fire. The first responders I had just seen would be unable to help him.

The immediate effect of this tragedy is quite obvious. We have lost a beloved member of our family and the community. Tomasz's youthful energy and desire to help others were nothing but a benefit to those around him. As the youngest member of the fire and emergency communications departments, I can only imagine what he could have accomplished with more time. Forced to reminisce about the past, we try and relive our most cherished memories with Tomasz because we have no way of creating new ones. Tomasz will not be a groomsman at my wedding or an uncle to any of my children. We won't ever be able to share a pitcher of beer at a bar because he was only 19 years old.

The residual effect of losing a loved one in such a tragic event is something that can only be understood by people who have experienced it for themselves. Our family has experienced true pain that won't ever fully heal. No parents should ever have to bury their child, especially their youngest. The thought of grandparents attending a grandson's funeral is sickening. Our house feels empty and silent because Tomasz is clearly missing. I struggle most with the idea that this whole mess could have been avoided. The coward responsible for killing two good men should never have been released back into society. If beating someone to death with a hammer is not worthy of a life sentence, I don't know what is. Instead, those of us who have "survived" this horrific event have to deal with it the rest of our lives. The holidays will never be the same. The Christmas season, a time normally associated with tradition and family bonding, will now be the anniversary of the day when my younger brother was a victim of a senseless murder committed by a known criminal using an assault rifle that was purchased for him by someone else.

***PLAY AUDIO CLIP OF JOE DECLARING THAT WE ARE BEING SHOT AT.***

Let me stress to you a first responder should never have to deal with this, we get out of bed at all hours of the night to help people, put out a fire, revive an unresponsive person as well as many other types of rescues. This incident should never have happened. Putting a gun in a person's hand that cannot legally purchase one must be stopped. This incident was caused by a young 23 year old girl purchasing an assault rifle and a shot gun for a convicted felon. This felon murdered his grandmother in 1980 by beating her with a hammer. He served 18 years in jail but should never have been released. The people who facilitate these straw purchases must be held accountable; a stiff prison term will be a deterrent to them. I urge you to quickly pass this bill and make it a law.

Thank you for allowing me to be here and listening to our story and how we feel regarding this important legislation.