

Pointing a fake Uzi, man killed by cops

■ Police fire 10 bullets at Bellport resident

■ Suicide by cop probed as motive, police say

BY ANDREW STRICKLER
andrew.strickler@newsday.com

A Bellport man died in a volley of bullets early yesterday after he waved what later turned out to be a phony machine gun at officers and declared "You're going to have to take me," according to Suffolk authorities.

Police said the events ending with the death of Thomas Keating, 56, on his front porch began with 911 calls about gunshots around 1 a.m. from near his home.

Four officers found Keating on his front steps, a black metal gun on a shoulder strap. After police ordered him to drop the gun, Keating shouted at them and ran into the house, according to Commissioner Richard Dormer. Moments later, he returned to the porch and repeated, "You're going to have to take me."

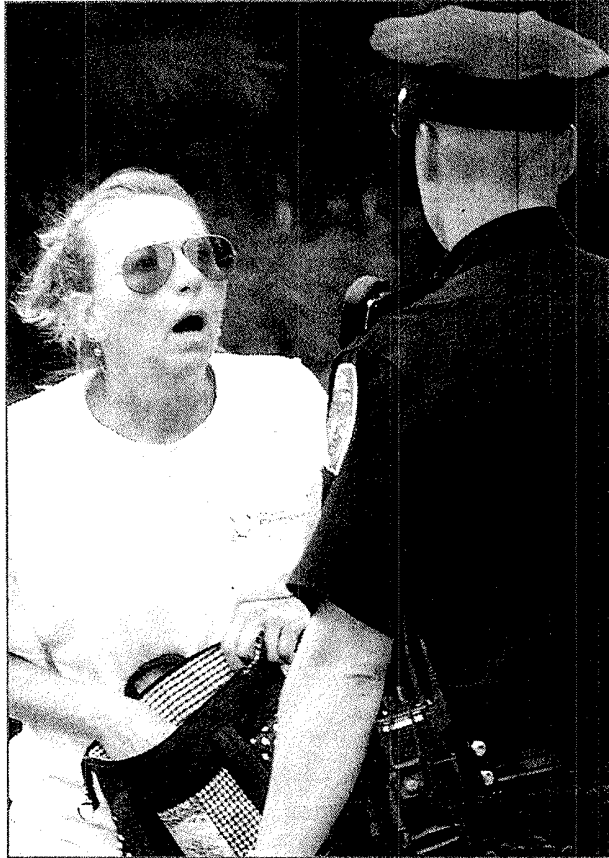
"At this time he pointed the weapon at the closest officer, and the officers were forced to take appropriate action, which they did," Dormer said.

The officers fired 10 shots: two officers fired from behind a vehicle in the driveway while two others fired from the street, police said. It was unclear yesterday how many bullets struck Keating.

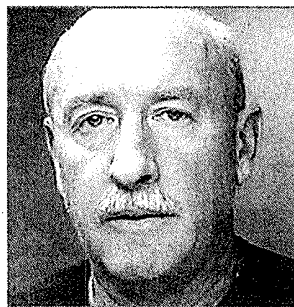
It was only after detectives arrived that police realized the gun was a metal-and-plastic replica of an Uzi. Police said they believe no shots were fired before officers arrived, but that Keating may have lit firecrackers in the street. Detectives will try to determine whether Keating wanted to commit "suicide by cop," Dormer said.

Two officers involved in the shooting were responding to the 911 calls when they encountered a group of juveniles on bikes nearby, police said. They searched the group and found one with marijuana and placed him in custody. The officers then proceeded with the suspect to Keating's house, when the shooting occurred, police said. The unidentified youth was charged with misdemeanor possession; he was not believed to be connected with the 911 calls, police said.

Bob Morris, who lives near-



A woman who said she knew the victim reacts yesterday to the news of the shooting.



Thomas Keating, who was killed by police yesterday, in a Suffolk Police photo

by, said Keating was a contractor who did high-end work on residential interiors. At some point, Keating ran a company, TA Keating Enterprises, according to online business listings. The company filed for bankruptcy in 2005. Keating was arrested in Suffolk in July 2008 and charged with misdemeanor drunken driving, police said. After being taken to the Fifth Precinct station, officers determined he was "irrational" and took him to Stony Brook University Medical Center for a

psychological evaluation, said Det. Lt. Jack Fitzpatrick. He later pleaded guilty to an infraction and was fined \$250. About a month ago, Keating called 911 to complain that his ex-girlfriend was at the house and wouldn't leave. She was gone when officers arrived, Fitzpatrick said.

Holly Bernstein, who lives next door to Keating, said she heard what sounded like gunshots. "There would be one shot, then several shots. . . . I was frightening. . . . I called [911] after about the fifth time it happened," she said.

The replica gun did not have an orange cap on the barrel, as required by state and federal law, police said. State Attorney General Andrew Cuomo, who recently sent cease-and-desist letters to stores selling replicas, said in a statement the shooting "illustrates the dramatic and devastating consequences imitation guns can have."

With Stacey Altherr, Sophie Chang and John Valeri

Bellport man holding Uzi replica killed

SHOOTING from page 1

Keating was arrested for a DWI incident on July 31, 2008, he said.

Keating acted irrationally last year when he was arrested during the DWI incident and had to be taken to Stony Brook University Medical Center for psychological evaluation, Fitzpatrick said. "We're looking into a domestic incident that occurred about a week ago," he added. "His ex-girlfriend showed up and he called the police." He lived alone, police said.

But Patchogue attorney Tom Keegan, of Keegan and Keegan, Ross and Rosner, who attended St. Francis de Sales School and was a classmate of Keating's as a young boy, shared a different side. Keegan is now representing Keating's family.

"I understand he had the toy gun slung around his chest, and when they said 'Drop the weapon,' he had to lift it over his head and probably he had gone out there to shut the kids up shooting off the

fire crackers," Keegan said. "We know there was a band of kids roaming around because police arrested one of them. He's a construction guy. It's 1 a.m. and kids are throwing firecrackers around and some people are more vociferous about it."

Keegan said Keating was an imposing figure, "but not the kind of guy to get involved with a gunfight," he said. "This has to be looked at a little more carefully. I certainly wasn't there but I know Thomas Keating since the third grade and this is totally out of character from a personal point of view."

A follow-up phone call to Suffolk County Police Headquarters was not returned as of press time. The New York State Attorney General's office said their office sent out more than 500 cease and desist letters ordering retailers to get illegal imitation weapons off their shelves. "They now have a chance to clear their shelves but if they continue, we will take legal action," said a spokesperson.

Keegan pointed out that Keating

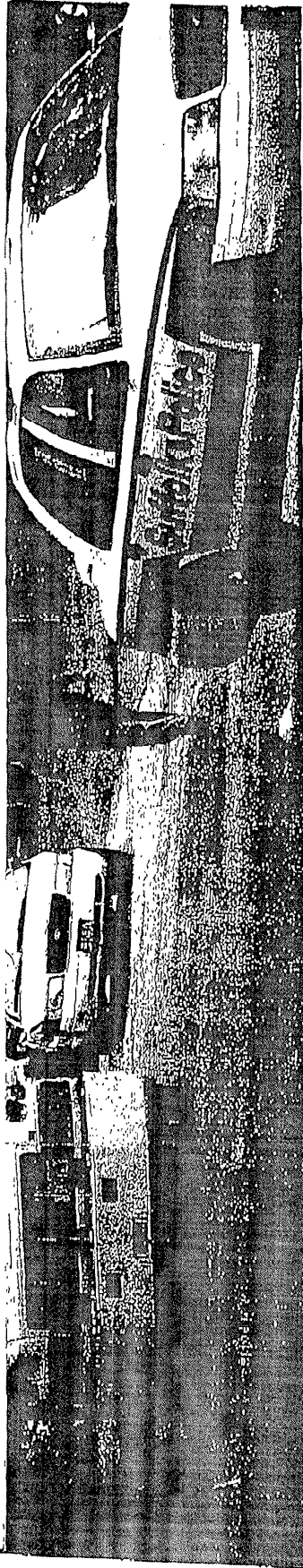
helped out with the Patchogue Village St. Patrick's Day Parade. "My big problem was organizing the line of march and he was a good guy for doing that," Keegan said. "Also, when we first bought the Patchogue Theatre and put on a Celtic Laser Light Show, we hired a company with this equipment and he helped out with that. Up in the balcony of the theater is a platform. When we sold out the Ronan Tynan concert the first time we had him perform, he was up there slaming the nails in there the morning of the show because it was a sell out and we needed another 20 seats. We needed a two-step platform. It's still there today.

"I think there's two sides to the story and we should let the process play itself out before we come to conclusions."

At Bellport Village Hall, Mayor David Pate said he wasn't familiar with Keating and hadn't met him. Pate explained the community was not immune from what the rest of the country deals with. "In dealing with any of the residents, safety

of course is a concern of mine," he said. "We try to stay as vigilant as possible and educate the public."

Security cameras installed in the downtown area to help monitor the business district had been helpful in identifying troublemakers. "We've outfitted our highway department vehicles with radios for use when it comes to reporting things that are out of place," he said. "All the garbage pickup and dump trucks are outfitted with them, there are about 10 vehicles, and we have additional hand-held walkie talkies provided to our highway personnel as needed. Sanitation people are some of the first folks out in the morning who would see a vehicle parked where it shouldn't be, or someone on a bike who is unfamiliar. If they feel it's threatening or endangering someone, they have the authority to call. They can use their cell phone or call village hall and we'd dispatch code enforcement."



Pictured is the street where Thomas Keating lived. The Bellport resident was shot by police last week when police say he brandished what they believed to be an Uzi. The gun was a metal and plastic replica. Below, Suffolk County Police Commissioner Richard Dormer (far right) describes the circumstances of the shooting at a press conference. Photos by Victor Alcom and Linda Leuzzi

Bellport man holding Uzi replica killed

SCPD say death regrettable but no indication of wrongdoing

By LINDA LEUZZI

The shooting of a Bellport Village man Suffolk County Police say brandished a replica Uzi submarine gun has marred the quiet summer calm of this enclave.

Suffolk County Police Commissioner Richard Dormer sobriety reviewed last week's early morning incident, flanked by Chief of Detectives Dominick Varrone, Deputy Inspector Robert Oswald Commanding Officer Major Case and Lieutenant Detective Jack Fitzpatrick, commander of the homicide squad at a Police Headquarters press conference in Yaphank regarding the shooting of 56-year-old Thomas Keating of 1st Street. "We deal with what we get," Dormer said.

According to Dormer, Fifth Precinct police officers were called to investigate a number of calls regarding shots fired in the area of 1st Street and New Jersey Avenue at 1:09 a.m. on Aug. 6. "He was carrying what appeared to be an automatic weapon," Dormer said. "When ordered to drop the gun, he said, 'You're going to have to take me.' Police called Emergency Services. Moments later the man returned with the gun and police again asked him to drop the gun and he said, 'You're going to have to take me.' He then pointed it at the clos-

est officer."

Four officers fired what appeared to be 10 shots at Keating said Varrone. According to Varrone, Keating raised the gun replica at an officer who was 35 feet away. "We thought it was real," Varrone said. "If you saw the gun, you would think it was real."

The replica gun was metal and plastic. "These are a real danger," Dormer said.

Varrone said there were about three or four calls to 911 regarding what was thought to be shots. "It appears there were firecrackers set off," Varrone said. Police are still investigating the 911 calls but Fitzpatrick stated there were indications at the scene that there were fireworks.

"When you're faced with this as a police officer, you have to take the appropriate action," Dormer said. "We don't find any wrongdoing. It's unfortunate someone lost his life. The four officers went to Stony Brook University Medical Center to be treated for trauma. We're satisfied everything they did was within the rules of procedure."

Keating also had a large knife on him, discovered after he was shot, Dormer said. "We're looking at different aspects," Dormer added, regarding the investigation.



See SHOOTING on page 28

scene - an area near the intersection of New Jersey Avenue and 1st Street - at 1:09 a.m.

They said the officers observed Keating, holding what appeared to be a submachine gun, on his porch and told him to drop the weapon.

Dormer said it was then that the man yelled: "You're going to have to take me."

He said Keating then ran into the house, during which time one officer called for an Emergency Services Unit, fearing a potential hostage or barricade situation.

Dormer said moments later, Keating came back onto the porch and "he again responded, 'You're going to have to take me.'" Keating pointed the fake gun at an officer, Dormer said. All four officers then fired at him.

Two of those officers were about 75 feet away from Keating, Dormer said. The other two were about 35 feet away.

Dormer said police don't have any reason to believe Keating ever had a real gun - or fired a shot at any point.

Dormer said there is evidence to suggest that fireworks were fired "in the area" before the officers arrived.

Police arrested someone near the scene, but they said that arrest has nothing to do with the shooting. Police have declined to identify the person arrested.

At about 7:45 a.m. Thursday, Keating's body was still on the front porch, face down, hands cuffed behind his back.

Police said officers had handcuffed him immediately following the shooting in order to secure him and protect officers. Dormer said police found a knife in Keating's waistband.

He said even after the shooting officers did not realize the gun was a fake - until they picked it up.

About eight hours after the shooting, two women arrived in a car near the shooting scene. One woman talked to an officer and then collapsed on New Jersey Avenue.

Dormer said Keating had been arrested once, for driving under the influence, on July 31, 2008. Police said that case was pending. He said officers "believed" Keating was "acting erratically" at that time and he was taken to Stony Brook University Hospital for observation. He said there was a domestic dispute of some sort last month. Dormer also said police are looking into the possibility that the incident was a "suicide by cop" scenario.

Police were unable to explain the noises that led to the rash of 911 calls if Keating had not fired any gunshots.

One woman who called 911 told *Newsday* she only called after hearing several series of shots being fired over "a 20 or 30-minute period."

Holly Bernstein, of 1st Street, who lived next door to Keating, told *Newsday*: "I would hear them and then not hear them, I would hear them and not hear them . . . There would be one shot, then several shots. Sometimes I would hear boom. Sometimes I would hear boom, boom, boom. It was frightening . . . I called after about the fifth time it happened."

She said she was shocked to hear what she was convinced were gunshots and said: "At first it seemed like some guy was doing target practice. It was scary . . . I just imagine this guy was a little crazy, drunk or something. It's just not a normal thing to do."

The last police-involved fatal shooting in Suffolk is believed to have occurred during a series of drug raids by county officers on June 20, 2008.

During a raid at the Brookhaven home of Carmine Wisniewski, 26, officers said they were confronted inside the house by Wisniewski, who had a .9-mm, handgun.

Police shot Wisniewski, who later died.

With Stacey Altherr and Sophia Chang