



Mental status will be key in trial of man accused in Dollar General shooting

By Aaron Besecker (https://buffalonews.com/author/aaron_besecker/)
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Travis I. Green, pictured at his arraignment Nov. 15, 2017, is scheduled to have his trial start Monday. (John Hickey/News file photo)

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That day had all the makings of a tragedy.

A gunman came equipped with two high-powered rifles, more than 800 rounds of ammunition and body armor.

Afterward, the police chief called it "a miracle" he wasn't reading off the names of the dead.

Instead, on that afternoon outside a Dollar General store in Cheektowaga, two civilians interrupted the barrage of bullets and helped prevent a potentially devastating wave of casualties.

Now, more than two years later, jury selection in the trial of the accused gunman is scheduled to begin.



The mental status of Travis J. Green at the time of the Nov 14, 2017, incident is expected to be the paramount issue at the trial slated to start Monday, according to attorneys on both sides. Search (https://buffalonews.com/)



"We're not saying he didn't have any issues, I admit he's got some issues, but his issues do not rise to the level of him not appreciating his actions or appreciating that his conduct was wrong," said Erie County District Attorney John J. Flynn. "That's a high bar."

Paul Dell, Green's defense attorney, said he will present a psychiatric defense - he plans to argue his client is not criminally responsible for what happened.

"It's our position he was paranoid and even delusional at the time this happened," Dell said.

Not only is Green's mental status from two years ago the subject of debate, but his current mental condition may be in question - the defense says it plans to request a new competency exam before the trial begins. It's a move, if granted, that would delay the proceedings again.

The incident

Here's how the situation unfolded, according to previous public statements by police, prosecutors and witnesses:

About 2:30 p.m. that November day, Green walked into the Dollar General store on Gardenville Parkway West, near Union and French roads, to ask for a job application. Several customers and employees were inside at the time.

Store employees told him there was no paper application and he had to go online to apply. That made Green angry.

He exited the store, went to his car and got his guns. He fired shots into the air, at another car in the parking lot and at the store.

John Schaefer, a customer Green encountered in the parking lot, said he saw Green punch a female customer who had just exited the store. So he got out his cellphone and called police.

That's when Green approached him, and Schaefer told him he was on the phone with a friend. Green told Schaefer to get off the phone and then punched him. The phone fell to the ground and Green kicked it away, but the call to police was still connected.

Schaefer - who later ended up face-to-face with the gunman again, this time with the gun pointed at his torso - tried to get inside the store, but the staff had already locked the inner doors. As he crouched in the vestibule, Schaefer said he saw Green get a bag out of his car and start firing.

That's when two employees at a business across the street got involved. In addition to calling 911, one of the men hopped into his car, initially intending to keep eyes on the shooter. But during a break in the gunfire, he stepped on the gas and drove toward the gunman.

He ended up clipping Green, who left a footprint on his hood. Green started running, with the two employees giving chase. As he ran along Union Road, Green was tackled by police.

The two civilians - Mark Pinnavaia and Christopher Kaufmann of Darryl's Car Audio - have been [described as heroes \(https://buffalonews.com/2017/11/15/i-had-to-do-something-business-owner-gunned-car-toward-gunman-to-stop-shooting/\)](https://buffalonews.com/2017/11/15/i-had-to-do-something-business-owner-gunned-car-toward-gunman-to-stop-shooting/) by law enforcement.

Investigators have said about 20 rounds in total were fired. No one was killed. Schaefer, the only victim injured, has two bullet fragments in his arm and shoulder. Authorities aren't sure whether he was shot or whether the wounds were caused by ricocheting bullets.

"I'm lucky I didn't get blown away," he previously told The News (<https://buffalonews.com/2018/06/18/dollar-general-shooting-victim-came-face-to-face-with-potential-mass-shooter/>).

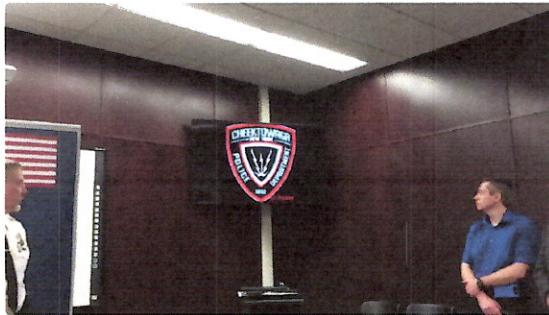
The case so far

Green was arraigned in Cheektowaga Town Court the day after the shooting. That day, police publicly released dash-cam footage from officers responding to the scene showing Green being taken into custody. They also released photographs of the guns, ammunition and body armor recovered.



Aaron Besecker
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Police dash-cam footage



1 11:18 AM - Nov 15, 2017

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In December 2017, Green was indicted on four felony charges: attempted murder, attempted assault, reckless endangerment and criminal possession of a weapon.

Green legally owned both AR-15 rifles authorities say were used in the attack. The gun charge he faces stems from a modification made to one of the rifles – the addition of a grip closer to the nozzle of the gun, according to authorities.

The case was slated to go to trial in October 2018, and it was initially delayed a month. It was put on hold again after doctors determined Green was mentally unable (<https://buffalonews.com/2018/11/20/trial-of-accused-dollar-general-shooter-delayed-after-mental-health-evaluation/>) to assist in his own defense. He was sent for treatment to a facility in Rochester.

Near the end of January of this year, doctors concluded he was ready to stand trial, and the case has proceeded. Green has been held without bail since his arrest.



'They were not going to be victims': Cheektowaga police hail shooting bystanders as heroes

By AARON BESECKER

Under state criminal procedure law, a criminal defense of mental disease or defect must show that at the time of the alleged action, a person lacked the capacity to either know or appreciate the nature and consequences of his or her conduct or that the conduct was wrong.

Whether a defendant can assist in his or her own defense and whether they are responsible for their actions are separate legal considerations. (<https://buffalonews.com/>)



Both the prosecution and the defense plan to each call an expert to talk about Green's mental condition at the time of the shooting. The prosecution will argue to the jury Green is responsible for his actions. In addition to the expert's testimony, other witnesses will testify to Green's actions at the scene.

"It shows that he has a clear state of mind," Flynn said. "He's not like some lunatic."

Green posted a video online before the shooting that shows him holding two guns and wearing face paint while audio from the film "The Purge" plays.

The defense will argue Green suffers from a long-standing psychotic disorder, including paranoid beliefs and schizophrenia, Dell said.

Attorneys on both sides say Green, who was 29 at the time of the shooting, was dealing with relationship and employment-related stress at the time. He was employed in construction.

Assistant DAs Ryan D. Haggerty and Sean B. Bunny will be prosecuting the case in Erie County Court before Judge Sheila A. DiTullio. In a separate criminal case, Green also faces a felony assault charge for an alleged attack on a jail deputy in the Erie County Holding Center two days after the incident.

Before deciding to ask for another mental health exam, Dell said he was considering having his client take the stand and testify.

Dell called it a "difficult case" because Green has ongoing mental difficulties.

"A lot of things he claims are not based in reality," his attorney said.

Dell and some of Green's family and friends also said Green has claimed police shot him in the aftermath of the shooting. Green was taken to Erie County Medical Center after the shooting for what police said was treatment of a minor cut to his shoulder. They previously said they did not know how his injury occurred.

Green, who has two children, grew up in West Seneca and went to West Seneca East High School, according to his mother, Viola Green.

Viola Green, who said she visited her now-31-year-old son in the Erie County Holding Center in recent days, told The News she has concerns about her son's mental condition, describing him as possibly having a "mental setback."

"I don't think he's mentally holding up now," she said.



Mom of accused Dollar General shooter: 'I think he just got fed up'

By AARON BESECKER



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