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Address _____

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The Honorable Judge Danny Chun
Supreme Court of the State of New York
County of Kings
320 Jay Street, 19th Floor
Brooklyn, New York 11201

Re: **People v. Peter Liang**
Indictment No. 9988/2014

Dear Judge Chun:

The conviction of ex police officer Peter Liang represents gross miscarriage of justice. We mourn the tragic loss of Akai Gurley as an innocent victim. However, the 2nd degree manslaughter charge against Mr. Liang for an obvious accident cannot be justified.

The jurors were misled. The prosecution accused Mr. Liang "pointed" his gun and "recklessly pulled the trigger" to shoot "right at where Akai Gurley stood". This was a blatant lie. All witnesses stated that the stairwell was "pitch black". Mr. Liang could not have seen Mr. Gurley to deliberately shoot at him. Mr. Liang's gun was not pointed at Mr. Gurley. The bullet ricocheted off the wall. It was an accidental discharge. It was a tragic accident.

As Mr. Liang testified, the accidental discharge occurred as he was startled by a sudden noise. He was holding a flashlight in one hand and his gun in the other, while trying to enter the dark stairwell by pushing the door open with his shoulder. By being startled, involuntary reflexes or clenching would have resulted. The muscle pressure would be strong enough to cause the finger to slip from the trigger guard to fire the weapon, despite a heavy trigger pull.

Accidental discharges are well documented for police forces, and in fact occurred 18 times in NYPD in 2014 alone. Such accidents were recorded to have injured bystanders, including the officers themselves. However, scientific facts and statistics related to accidental discharges were not presented for the defense of Mr. Liang. Instead, the jurors were invited to squeeze the trigger in a controlled environment in the courtroom. This allowed the jurors to be their own expert witnesses, and to make the false assumption that the officer deliberately pulled the trigger.

Media reporting had been unfair to Mr. Liang. He was accused of texting his union while Mr. Gurley bled to death. The prosecution reinforced the misinformation by falsely accusing him of trying to cover up, failing to call in the incident, and deliberately withholding assistance to the victim. The evidence showed that he reported the incident the moment he realized someone was shot. It was true that neither he nor his partner rendered CPR to the victim. However, as witnesses stated, he was overcome and broke down at that point. For a rookie officer, being mentally incapacitated should not be construed as dereliction of duty. The charge of official misconduct was unwarranted.

The prosecution made new accusations in the closing argument that were not based on court evidence. This represented prosecutorial misconduct as Mr. Liang was denied the right to defend himself. Also, the trial was incomplete as key facts related to accidental discharge was not presented to the jury.

Honorable Judge Chun, we do not believe Mr. Liang received a fair trial. We do not believe his conviction was supported by evidence. We urge you to declare a mistrial and set aside the verdict.

Sincerely,
