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March 22, 2016

The Honorable Danny Chun  
Justice of the Supreme Court  
320 Jay Street  
Brooklyn, New York 11201

Re: People v. Peter Liang  
Kings County Indictment  
Number 9988/2014

Dear Justice Chun:

The People are submitting this letter to advise the Court of the People's sentencing recommendation in the case of People v. Liang. On February 11, 2016, the defendant was convicted of Manslaughter in the Second Degree and Official Misconduct at trial, after hard work and fair deliberation by a jury, in connection with his fatal shooting of Akai Gurley in a stairwell in the Pink Houses in East New York, Brooklyn, on November 20, 2014. We stand by the indictment, prosecution, and conviction of the defendant because an innocent life was taken recklessly and unnecessarily.

The defendant's criminal acts on November 20, 2014 had tragic and irreparable consequences. Akai Gurley was a completely innocent man who lost his life for no reason. The defendant also failed in his duty to aid Akai Gurley once he realized that Mr. Gurley was gravely wounded. At the sentencing proceeding on April 14, 2016, Mr. Gurley's family and friends will describe to the Court the devastating effect that the loss of this young man has had on their lives and, especially, on the life of Mr. Gurley's three-year-old daughter, Akaila, who will now have to grow up without the love, guidance, and support of her father.

At the same time, the People recognize that there are mitigating circumstances in this case. The defendant chose to become a police officer, and to put his own life on the line,

because he wanted to protect the public. That night the defendant was in the darkened stairwell of the building at 2724 Linden Boulevard with his service weapon, as part of his job to keep the people of Brooklyn and our city safe. At the time of the shooting, he was a rookie police officer, who had graduated from the Police Academy less than a year before. There is no evidence that the defendant intended to kill or even injure Mr. Gurley.

The defendant has no prior history of criminal acts or improper police conduct. There is no possibility that the defendant will engage in police misconduct in the future because the defendant has been fired by the New York City Police Department, as a result of his conviction in this case. The defendant also poses no future threat to public safety.

In sentencing a defendant, a court must consider the facts of the crime for which the defendant was convicted and "the particular circumstances of the individual before the court." People v. Farrar, 52 N.Y.2d 302, 305 (1981). A court must also consider the purposes of a penal sanction, which include deterrence, rehabilitation, retribution, and the protection of society. Farrar, 52 N.Y.2d at 305; People v. Suitte, 90 A.D.2d 80, 83 (2d Dep't 1982). The minimum amount of confinement should be imposed that is consistent with the protection of the public and the rehabilitative needs of the defendant. See People v. Notey, 72 A.D.2d 279, 282-83 (2d Dep't 1980).

The Penal Law grants this Court broad discretion when sentencing a defendant who has been convicted of Manslaughter in the Second Degree. The Court may impose an indeterminate prison term of no less than one to three years and no greater than five to fifteen years. P.L. § 70.00(2)(c), (3).

In the alternative, the Court may impose a period of probation of three, four, or five years, if the Court, upon considering the nature and circumstances of the crime and the history, character and condition of the defendant, is of the opinion that "institutional confinement" for the term authorized by law is not necessary for the protection of the public and that "such disposition is not inconsistent with the ends of justice." P.L. § 65.00(1)(a)(iii), (3)(a)(i).

Because the incarceration of the defendant is not necessary to protect the public, and because of the unique circumstances of this case, the People do not believe that a prison sentence

is warranted. We believe that justice will best be served in this tragic case if the defendant is sentenced on the manslaughter count to five years of probation, with the condition that the defendant serve six months of home confinement, with electronic monitoring, and that he perform five hundred hours of community service. See P.L. § 65.10(4), (5). It will be the responsibility of the defendant to pay for the electronic monitoring.

The proposed sentence on the manslaughter count is consistent with the sentences that other judges have imposed for convictions of reckless manslaughter. See, e.g., People v. Lane, 259 A.D.2d 1047 (4th Dep't 1999) (defendant, who was convicted of second-degree manslaughter, sentenced to probation); People v. Montgomery, 216 A.D.2d 332 (2d Dep't 1995) (same).

The proposed sentence on the manslaughter count is also similar to the sentence that was imposed in the most recent case in which a New York police officer was found criminally liable for the fatal shooting of an unarmed civilian. In People v. Conroy, 52 A.D.3d 320 (1st Dep't 2008), former Police Officer Bryan Conroy was sentenced to five years of probation and 500 hours of community service for the unjustified killing of Ousmane Zongo.

With respect to the misdemeanor offense of Official Misconduct, we request that the defendant be sentenced to a concurrent sentence of three years of probation with the condition that the defendant serve six months of home confinement, with electronic monitoring, and that he perform five hundred hours of community service. See P.L. § 65.00(3)(b)(i).

As we have said before, there are no winners here. But we believe that the sentence we propose is just and fair under the circumstances of this case.


The Honorable Danny Chun

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Thank you for your consideration of this request.

Sincerely,



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