March 25, 2025

Death of Courtney Gordon, December 3, 2023

INTRODUCTION

New York Executive Law Section 70-b (Section 70-b) authorizes the Attorney General's Office of Special Investigation (OSI), to investigate, and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a peace officer. When OSI does not seek charges, as in this case, Section 70-b requires OSI to issue a public report. This is the public report of OSI's investigation of the death of Courtney Gordon, who was shot on December 3, 2023, by members of the New York City Police Department (NYPD) and died of his wounds.

OVERVIEW

At 4:59 a.m. on December 3, 2023, a 911 caller reported "a murder at" an address on Beach 22nd Street in Far Rockaway, Queens, and said her cousin "Courtney" had used a knife to murder everyone in the house. She described Courtney as a Black man, age 30. A police radio transmission told available units to respond to the address for a "34," meaning assault in progress, "with a knife" and said, "the caller states her cousin may have stabbed everyone inside of the location." NYPD officers Edmond Decio and Richard Gonzalez arrived at the address in their police car at 5:08 a.m., activated their body worn cameras (BWCs), and approached the house on foot. A man, later identified as Mr. Gordon, was near the end of the driveway with several pieces of luggage. The officers asked him whether he was the 911 caller and whether he lived at the house at the reported address. Less than half a minute after the inquiry began, Mr. Gordon suddenly produced a knife and stabbed officer Decio in the neck and slashed officer Gonzalez on the forehead. Officer Decio drew his gun and fired five shots at Mr. Gordon, who fell to the ground. Mr. Gordon was taken to Nassau University Medical Center where he was pronounced dead a short time later. The officers recovered from their wounds.

Having thoroughly investigated the matter and analyzed the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' use of deadly force against Mr. Gordon was justified and, therefore, will not seek charges.

FACTS

The house in Far Rockaway where Mr. Gordon stabbed people in his family shared a driveway with other houses on Beach 22nd Street. The end of the driveway, where the incident occurred, is indicated in the map below as "Incident Location."

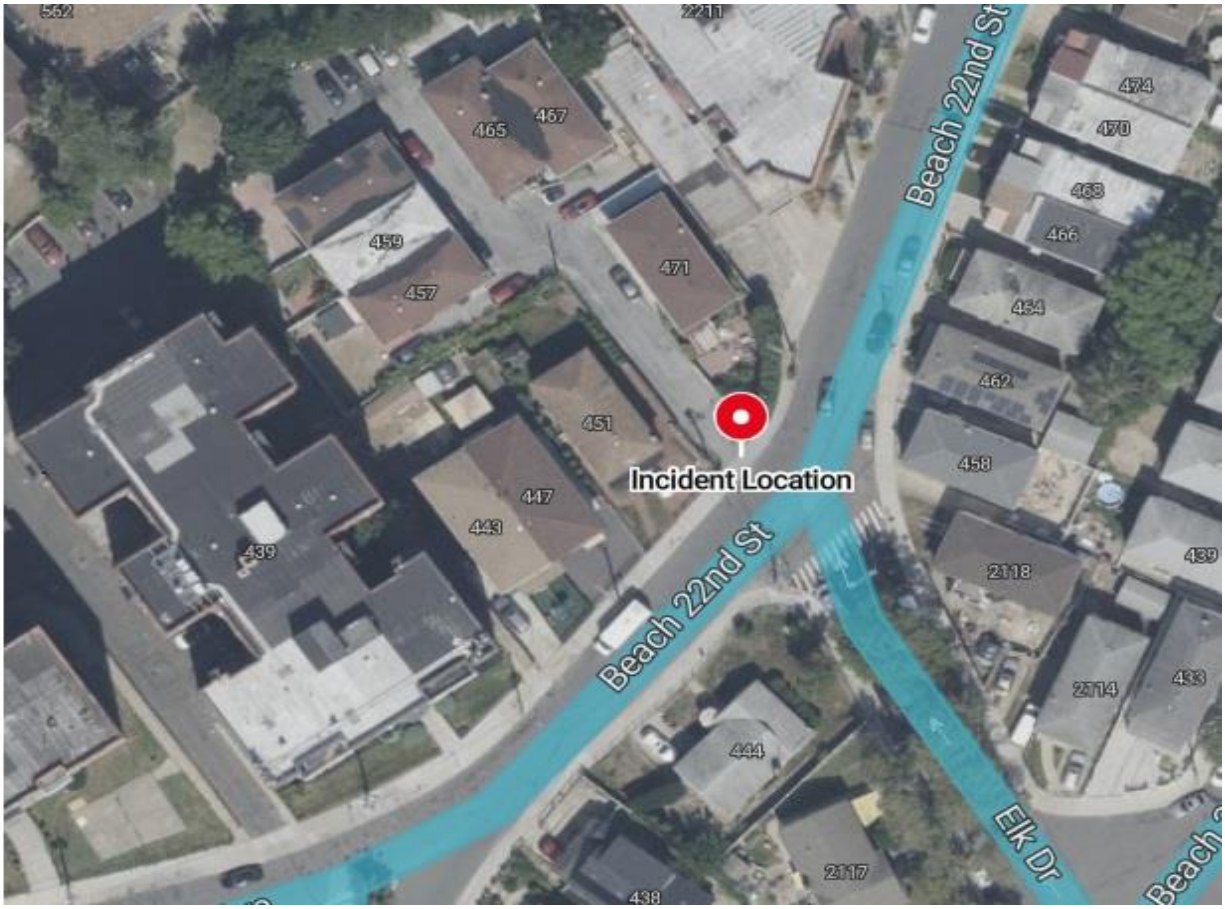

Figure 1. Google Map image of Beach 22nd Street and the site where Mr. Gordon was shot.

At 4:59 a.m. on December 3, 2023, New York City 911 received a call stating, "there was a murder at [an address on] Beach 22nd Street." The female caller said her cousin "Courtney" had taken a knife and murdered everyone in the house. The caller said she was outside the house, hiding behind a car, and described "Courtney" as a Black man, age 30. Dispatch radioed available units to respond to the address for a "34 [assault in progress] with a knife" and that "the caller states her cousin may have stabbed everyone inside of the location."

New York City Fire Department (FDNY) paramedics Julissa Gonzalez and David Chambers arrived at 5:06 a.m. (time estimated based on a home security video obtained by OSI), a few minutes before the police officers arrived. OSI interviewed Paramedic Gonzalez, who said she had been an FDNY paramedic since 2015 and was a volunteer paramedic in Deer Park, NY for three years prior to that. She said she was dispatched to the address on Beach 22nd Street for a report of family members being stabbed. She said she arrived in her ambulance three to five minutes before the first NYPD unit arrived and that she and her partner were not going to enter the house until the police arrived. She said that two minutes after their arrival a young woman ran down the driveway of the house and started saying "he killed my whole family." Paramedic Gonzalez and her partner allowed the woman to sit in their ambulance while waiting for the police. Soon, Paramedic Gonzalez saw a man walking down the same driveway with a suitcase and asked the young woman if that was the man who had killed her family. The young woman at first was unsure, but as the man got closer she said he was the man who killed her family. Paramedic Gonzalez said as the man got closer to the ambulance she could see he had a

knife behind his back and that the police had arrived and were speaking with him. Paramedic Gonzalez said she did not see the man stab the police officers and, when the shooting started, she drove away in the ambulance because she didn't know who was shooting, but returned shortly after. She saw that one officer had blood coming from a wound in his neck and the other had blood coming from a wound to his head. She said the man with the suitcases was on the ground. Paramedic Gonzalez said she and her partner began treating the two officers and another unit was called to treat the man.

Figure 2. Still image from a home security camera on Beach 22nd Street showing the 911 caller running toward the ambulance.

OSI interviewed Paramedic Chambers, who said he had been an FDNY paramedic for 13 years and was a paramedic for Trans Care for three years before that. Paramedic Chambers said on the night of the incident he was riding as the passenger in the ambulance with Paramedic Gonzalez as the driver. He said that shortly after they arrived at the address on Beach 22nd Street a young woman came down the driveway and said "he" was killing her family members. They let the woman sit in the ambulance. Paramedic Chambers told OSI he then saw a man walking down the driveway toward the ambulance pulling a suitcase in his left hand. He saw the man approach the two NYPD officers who had just arrived. Paramedic Chambers said that just before the man attacked the first officer, he saw the man pull a kitchen knife from behind his back, then saw the man stab one officer and lunge at the other, at which point he heard shots fired. Paramedic Chambers said when the shots were fired he ducked down and told his partner to drive away. Paramedic Chambers told OSI that shortly after driving away he and his partner returned and began treating the two officers while other officers attended the man.

Figure 3. Still image from home security video on Beach 22nd Street showing Mr. Gordon walking down the driveway toward the ambulance.

At 5:08 a.m. Officers Edmond Decio and Richard Gonzalez arrived and activated their BWCs, which can be viewed (Decio & Gonzalez). The BWCs showed that the officers walked up to Mr. Gordon and engaged him in conversation. Officer Decio asked Mr. Gordon if he had called the police. Mr. Gordon did not respond, and the officers repeated the question, but, again, Mr. Gordon did not respond. The officers asked, "Anything going on?" and "Do you live here?" Mr. Gordon's answers were short, but unclear on the BWC. Eighteen seconds after the encounter began, Mr. Gordon suddenly pulled a knife from behind his back and stabbed Officer Decio, then Officer Gonzalez. Officer Decio's BWC shows he fell to the ground immediately after being stabbed and then drew his gun and fired five shots. Between shots two and three Mr. Gordon began to turn to flee, but, after the fifth shot, dropped to the ground. Officer Gonzalez did not fire his gun.

Figure 4. Still image from Officer Decio's BWC at 05:08:40 showing Mr. Gordon as the officers approached him.

Figure 5. Still image from Officer Gonzalez's BWC showing the knife in Mr. Gordon's hand.

Figure 6. Still image from Officer Decio's BWC showing the officer pointing his weapon at Mr. Gordon.

Figure 7. Still image from Officer Decio's BWC showing the knife in Mr. Gordon's hand as Officer Decio fired.

Figure 8. Still image from PO Gonzalez's BWC showing Mr. Gordon with the knife in his hand after he stabbed PO Gonzalez and PO Gonzalez fell to the ground.

Autopsy

Dr. Brian O'Reilly of the Nassau County Medical Examiner's Office conducted the autopsy and determined that Mr. Gordon was stuck by three penetrating gunshot wounds to torso, mid-back, and chest. Dr. O'Reilly deemed the manner of death to be "homicide."

Police Officer Interviews

OSI asked to interview Officers Decio and Gonzalez, but, through their attorneys, both refused to be interviewed.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly physical force against another. Justification is a defense, Penal Law Section (PL) 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1).

As the Court of Appeals recently stated in *People v Castillo*, Slip Opinion, November 21, 2024:

> "The defense of justification provides that a person may use physical force to defend himself against an assailant's 'imminent use of unlawful physical force,' but does not authorize the use of 'deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . .

> . is using or about to use deadly physical force' (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that 'defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,' and an objective requirement, that defendant's 'reactions were . . . those of a reasonable man acting in self-defense' (*People v Collice*, 41 NY2d 906, 907 [1977])."

Castillo, Slip Opinion at 3 (square brackets and ellipses in the original).

Deadly physical force is force that "under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury." PL 10.00(10). Serious physical injuries include permanent scars and lacerations, *People v Brooks*, 165 AD3d 694 (2d Dept 2018), and the loss of an eye or vision, *People v Ingram*, 95 AD3d 1376 (3d Dept 2012); *People v Kirschbaum*, 121 AD2d 744 (2d Dept 1986). Therefore, even if the user of a knife does not succeed in killing a person, the use of a knife can be deadly physical force.

Police officers attempting to make an arrest for an offense are not obligated to retreat before using deadly physical force in response to deadly physical force being used against themselves or another, even if they know they can do so in complete safety to themselves or others, PL 35.30 and PL 35.15(2)(a)(ii).

Based on the evidence in this investigation, the responding officers had reason to believe, based on radio transmissions, that a person at the reported address was armed with a knife and had stabbed people. When the officers arrived at the address they met Mr. Gordon and, within seconds of speaking with him, he attacked them with a knife, which constituted a number of crimes, including Attempted Murder in the First Degree, a class A-I felony, and was the use of deadly physical force. Therefore, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the officers were justified in shooting him. As a result, OSI will not seek charges against the officers and closes the matter with the issuance of this report.

Dated: March 25, 2025