

CASE SUMMARY: *PEOPLE V. GOETZ*

On the afternoon of December 22, 1984, four young Black men boarded an express subway train in the Bronx and headed south towards Manhattan.¹ The four men rode together near the back of the seventh subway car.² Two of the four men had screwdrivers inside their coats, which they said were to be used to break into video machine coin boxes.³ Bernhard Goetz boarded this subway train in Manhattan and took a seat towards the rear of the same car occupied by the men.⁴ Goetz was carrying an unlicensed .38 caliber pistol with five rounds of ammunition in a waistband holster.⁵ One of the men approached Goetz and stated, "Give me five dollars."⁶ None of the men displayed a weapon, but Goetz responded to their demand by standing up, pulling out his handgun, and firing four shots in rapid succession.⁷ The first shot hit one man in the chest, the second struck another in the back, the third went through another's arm and into his left side, and the fourth missed, deflecting instead off of a wall of the conductor's cab.⁸ After surveying the scene around him, Goetz approached one man, Daryl Cabey, who was sitting on the end bench of the car and said, "You seem to be [doing] all right; here's another," and fired the last of five shots.⁹ The bullet entered the rear of Cabey's side and severed his spinal cord.¹⁰ Goetz told the conductor that the four men had "tried to rip him off."¹¹ While the conductor was aiding the men, Goetz jumped onto the tracks and fled.¹² Two men, initially listed in critical condition, fully recovered but Cabey was paralyzed and suffered some degree of brain damage.¹³ On December 31, 1984, Goetz surrendered to police in Concord, New Hampshire, identifying himself as the gunman being sought for the subway shootings in New York nine days earlier.¹⁴

Goetz claimed that he could predict from the victims' words, conduct, and facial expressions that they were going to rob and assault him. Although he claimed self-defense, he admitted in his statement to the police that he intended to "make them suffer as much as possible" and continued to pursue the victims even after they tried to escape.¹⁵ After the New York State Court of Appeals reinstated charges that a lower court had dismissed as a matter of law, a jury acquitted Goetz of the most serious charges filed.

¹ *People v. Goetz*, 497 N.E.2d 41, 43 (N.Y. 1986)

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ 497 N.E.2d at 43

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Goetz*, at 44.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* (Goetz claimed that if he had had more bullets, he would have fired again and again until the supposed assailants were dead, without regard to whether they were posing a continued threat).