



**CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.**  
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

# Press Release

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## **NEW YORK STATE APPELLATE COURT VACATES 18-YEAR SENTENCE FOR A NYC CORRECTION OFFICER CONVICTED OF MANSLAUGHTER**

*Appellate Court's Decision Says Trial Court Should Have Permitted 'Self Defense' Argument at the Trial and Orders a New Trial*

NEW YORK- In a rare decision, The New York State Supreme Court, Appellate Division, today vacated a trial court's conviction against a New York City Correction Officer, accused of manslaughter during a shooting incident in 2014. The Correction Officer, Darryl Brown, has been out on bail pending an appeal for an 18-year sentence. A new trial has been ordered.

Correction Officer Brown was charged with murder in the second degree, manslaughter in the first degree, and criminal use of a firearm in the first degree, based on allegations that he fatally shot Vonde Cabbagestalk on March 20, 2014. The two men were arguing in the lobby of Brown's building when Cabbagestalk began swinging at Brown repeatedly and attempted to grab his firearm. Correction Officer Brown subsequently shot Cabbagestalk in self-defense, as he faced deadly physical assault.

According to today's decision from the Appellate Court, "We conclude that the trial court should have instructed the jury on the defense of justification. The trial evidence, when viewed in the light most favorable to the defendant, supports a conclusion that defendant feared for his life, and reasonably believed that deadly physical force was necessary to defend himself against Cabbagestalk's imminent use of deadly physical force."

Correction Officers' Benevolent Association President Elias Husamudeen hailed the Appellate Court's decision. "Very often Correction Officers find themselves in off-duty situations where the only option they have to thwart a threat against their life is to act in self-defense, which is precisely what Correction Officer Brown did in this case. Correction Officer Brown was an excellent officer, who served this city with honor. He is also a devoted father and grandfather. We are very pleased with today's decision and we expect Correction Officer Brown will be exonerated after a new jury is properly instructed on the self-defense justification."

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Commenting on the Appellate Court's decision, Correction Officer Brown's Attorney, Joey Jackson, said, "I am elated that the Appellate Division examined the facts of the trial record, and applied the law in a manner consistent with justice. Correction Officer Daryl Brown acted reasonably and responsibly in firing a single gunshot in order to preserve his life during a violent and vicious attack. The trial court's refusal to instruct the jury to consider self-defense hamstrung them during their deliberations, and thereby thwarted a proper verdict. Mr. Brown has lived his entire life in a law abiding, hard-working, and honorable fashion. He was left with no choice but to defend himself. Our system of justice works."

