Prosecutor charges Grand Rapids, Michigan, officer who killed Patrick Lyoya with second-degree murder

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Kent County Prosecutor Chris Becker announced at a press conference on Thursday afternoon that Grand Rapids, Michigan, police Officer Christopher Schurr has been charged with murder in the second degree for the killing of Patrick Lyoya on April 4. According to Becker, Schurr has already turned himself in to the Michigan State Police. While he could not give a specific time, Becker affirmed that Schurr's arraignment would take place on June 10.

During the press conference, Becker outlined three elements that made up the second-degree murder charge. "First, there was a death, a death done by the defendant. And then when the killing occurred, the defendant had one of these three states of mind: an intent to kill, an intent to do great bodily harm, or an intent to do an act that, the natural tendency of that act, would be to cause death or great bodily harm. And finally, that the death was not justified or excused."

If Schurr is convicted, the maximum penalty he could face is life in prison with the possibility of parole.

Becker also remarked on the absence of a felony firearm charge against Schurr. This lesser felony, punishable by up to two years in prison, is often charged in shooting deaths. However, Becker cited a 1991 Michigan Supreme Court decision in *People v. Khoury*, which he said ruled "that a felony firearm cannot be charged against a police officer who used a gun in the performance of their duties."

Becker was asked about the difference between charging manslaughter versus charging murder. The prosecutor said that manslaughter is a lesser included charge, meaning a jury would have the choice to find Schurr guilty of either murder or manslaughter. He went on to say that manslaughter includes "the heat of passion or some sort of provocation with heat of passion."

When he was asked if murder would be harder to prove in court than manslaughter, Becker replied, "Obviously, I wouldn't charge it if I didn't think I could prove it."

The facts of what happened on April 4 are as follows: Officer Schurr pulled over the car Patrick Lyoya was driving for a license plate registration violation. Then a brief scuffle occurred between Schurr and Lyoya. After Schurr discharged his taser unsuccessfully twice, he pushed Lyoya to the ground, pressed his gun to the back of Lyoya's head and pulled the trigger. This was captured quite clearly on video on the cellphone of the passenger in Lyoya's car.

After Schurr was put on administrative leave, and nearly a month later, on April 28, the Michigan State Police submitted a partial investigation of the shooting to Becker's office. On May 18, under public pressure to give an update, Becker announced that he would soon receive the full investigative report. He also told the press that he would be reaching out for help from experts on use-of-force cases.

Becker clarified in the press conference that he did not receive the full MSP investigation until May 31. In an effort to explain the delay in arriving at a decision, he alleged difficulties in getting expert advice. He cited hesitancy at the possible conflict of interest in asking the MSP, which was investigating the incident, for advice to be used in the charging decision.

He did not elaborate on what other sources he consulted, citing legal limitations on what he could disclose before trial. Becker also claimed that a forensics report on Schurr's taser was the last piece of

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evidence to come in, which was a major factor in his final determination to charge the officer.

Becker himself admitted the amount of pressure that he was under to reach a decision. “I think there’s a huge amount of community pressure that thinks I should charge him,” he said, responding to a question about how the people of Grand Rapids would react to his choice.

He also addressed demands by community groups that he recuse himself from making the charging decision. To the main argument, that his office worked too closely with the police, Becker claimed at the press conference, “Everybody thinks, you know, the prosecutors are essentially an arm or just a branch of the police, and we’re not. We are our own entity, we have a duty to enforce the law, be it on police, or the public.”

Before the footage of Lyoya’s shooting was given in April, there were large-scale protests in the city demanding its release. In response to the protests, the Grand Rapids Police Department headquarters were fortified with barricades preceding the actual release of the video.

In the lead-up to Becker’s announcement, Lyoya family attorneys Ben Crump and Ven Johnson expressed their concerns that Schurr would not be charged. Johnson told WOODTV, in the event Schurr was not charged, “We’re certainly going to reach out formally to Michigan Attorney General [Dana] Nessel and ask her and her office to take over.”

Crump had already requested the involvement of the Department of Justice. According to Johnson, “If the original prosecutor doesn’t charge, it’s less likely that they will get involved. But in this day and age, what we think the clarity of what happened here on the video, we would certainly hope and encourage them and implore them to do that.”

Just before the press conference, Becker presented his announcement to the Lyoya family. He wrote a letter, apparently explaining the charges against Schurr, which was then translated into the family’s native language, Swahili. Peter Lyoya, father of Patrick, watched the press conference from the office of his attorney Ven Johnson in Detroit, Michigan. In a video statement published by News 3, Peter Lyoya thanked Becker, as well as his attorneys, Crump and Johnson.

Through his interpreter Israel Siku, Peter delivered a public statement: “My heart was really broken these two months, because a lot of things were said. I was not quite sure with the truth in my hand. And I was thinking maybe there’s no justice in America.” Peter Lyoya continued, “We are not done here. Let’s go tilt to the hand and get the last justice for Patrick.”

It should be recalled that police bodycam and dashcam video, as well as the smartphone video of Lyoya’s passenger which shows very clearly the moment of the fatal gunshot, were initially withheld from the public and shown only to family members in an effort to sweep the incident under the rug. The videos, as well as the name of the officer, were only released after protests erupted in Grand Rapids demanding justice for the Lyoya family.

Since the day Schurr shot Lyoya execution-style, a campaign has been mounted to exonerate the officer and put forward a justification for the shooting of the 26-year-old unarmed Congolese immigrant. Much of this campaign was devoted to demonizing Lyoya for getting out of his car during a traffic stop and lionizing Schurr for enforcing the “rule of law.” These issues will no doubt be central to the case should Schurr plead not guilty and it goes to trial.

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