

No federal charges in DJ Henry shooting



Matt Spillane, mspillane@lohud.com 11:08 p.m. EDT April 7, 2015

No federal criminal charges will be filed in the shooting death of Pace football player DJ Henry



(Photo: Submitted/Michael Sussman)

Almost 4 $\frac{1}{2}$ years after Pace University football player Danroy Henry Jr. was killed in Thornwood, U.S. Attorney Preet Bharara announced that no federal criminal charges would be filed in the case.

Pleasantville police Officer Aaron Hess fatally shot Henry outside Finnegan's Grill on Oct. 17, 2010 (</article/201010170421>). Prosecutors determined after "an exhaustive examination" that they could not prove beyond a reasonable doubt that Hess "violated the civil rights of Mr. Henry," Bharara said in a press release on Tuesday.



Danroy Henry Jr. (Photo: David W. Hahn)

"The Henry family is very disappointed," Michael Sussman, the family's attorney in the federal lawsuit, told The Journal News Tuesday night. "I thought the reasoning that predicated their decision was flimsy."

Hess' attorney, Brian Sokoloff, told The Journal News Tuesday night that "we are gratified to learn that after an exhaustive and prolonged investigation, the Department of Justice came to the conclusion that it did."

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Sussman said the decision was not surprising, as similar cases, including those of Michael Brown in Ferguson, Missouri, and Trayvon Martin in Sanford, Florida, have also not been prosecuted. What was "shocking" and "befuddling," he said, was that it took more than four years to reach the decision.

"It's distressing to us," Sussman said, "but we have faith that the civil proceedings will come to a proper conclusion."

The Henry family could not immediately be reached for comment.

Henry's family had sued Hess and the Village of Pleasantville, in addition to a wrongful-death lawsuit against the Town of Mount Pleasant and Officers Kevin Gilmartin and Ronald Gagnon, who the family claims failed to help Henry after he was shot.



Aaron Hess (Photo: Submitted)

Henry, known as "DJ," was shot in the Thornwood Shopping Center after a brawl forced bar patrons out of Finnegan's around 1:20 a.m. on that autumn Sunday. The 20-year-old junior from Easton, Massachusetts, was not involved in the fight, which resulted in Mount Pleasant and Pleasantville police officers swarming the scene.

Henry, who had a blood alcohol content of .13 at the time, according to a toxicology report from the state criminal investigation, pulled his car from the parking lot into the fire lane in front of Finnegan's to wait for friends, Bharara said. He started driving after a knock on the car window by a Mount Pleasant officer, who then yelled for Henry to stop.

Officer Hess stepped in front of Henry's car and was hit as Henry braked, Bharara said. As Hess landed on the hood, he fired through the windshield, killing Henry and wounding Brandon Cox, a Stonehill College football player who was high school friends with Henry.

Mount Pleasant police Officer Ronald Beckley also fired his weapon, but has said that he shot at Hess, whom he considered the aggressor in the situation.

Hess is also facing lawsuits from Cox and seven people who were at the scene of the shooting, Sokoloff said.

"There are seven suits by people who were engaged in activity in the parking lot after the shooting who have the audacity to sue Aaron Hess, who was laying on the ground, waiting for an ambulance to take him away," he said.

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