



OFFICE OF THE **DISTRICT ATTORNEY**

**P. DAVID SOARES**

6 LODGE STREET

**ALBANY, NEW YORK 12207**

(518) 487-5460

(518) 487-5093 FAX

**CONTACT:** CECILIA WALSH (518) 275-4710

[CECILIA.WALSH@ALBANYCOUNTYNY.GOV](mailto:CECILIA.WALSH@ALBANYCOUNTYNY.GOV)

**FOR IMMEDIATE RELEASE:** NOVEMBER 3, 2016

## Appellate Division Unanimously Upholds Conviction in Albany Shooting Case



**ALBANY, NY** - District Attorney P. David Soares announced today that the New York State Supreme Court, Appellate Division, Third Judicial Department, upheld the 2014 conviction of RYAN GUNN. The case was argued by Assistant District Attorney Vincent Stark of the Legal Affairs Unit. The decision can be found [here](#).

On November 14, 2013, GUNN was found guilty of (2) Counts of Criminal Possession of a Weapon in the Second Degree, both Class C Armed Violent Felonies and (1) Count of Assault in the Second Degree, a Class D Violent Felony. GUNN was sentenced on January 16, 2014 to 10 ½ years in State Prison before the Honorable Stephen W. Herrick in Albany County Court.

On November 12, 2012, GUNN and a neighbor that he knew began to argue in the area of Second Avenue in the City of Albany. GUNN then retrieved a firearm from his waistband and fired at his neighbor, hitting the victim in the shoulder. The defendant then fled Albany County and was arrested in Georgia.

GUNN appealed the conviction to the New York State Supreme Court, Appellate Division, Third Judicial Department, on the basis that the verdict was against the weight of the evidence, and that the County Court erred in allowing the People to offer evidence that was admissible as indicative of defendant's consciousness of guilt. GUNN also argued that the County Court had erred in denying GUNN's request for a missing witness charge, that reversal was required based on certain remarks made by the prosecution during summation, and claiming that the imposed sentence was harsh and excessive. The Appellate Division rejected GUNN's assertions in full and denied his appeal unanimously.

Assistant District Attorney Vincent Stark of the Legal Affairs Unit argued this case before the Court of Appeals on September 9, 2016. Assistant District Attorney Benjamin Mastaitis of the Major Crimes Unit prosecuted this case at trial.

For more information, please contact Cecilia Walsh (518) 275-4710 or [cecilia.walsh@albanycountyny.gov](mailto:cecilia.walsh@albanycountyny.gov)

###