

Key hearing in case of former Grand Rapids cop who killed Patrick Lyoya delayed for two months

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The trial of former Grand Rapids police officer Christopher Schurr for shooting and killing 26-year-old Congolese refugee Patrick Lyoya execution-style on April 4 is moving very slowly through the Michigan courts.

Although Schurr was charged with second-degree murder by the Kent County prosecutor on June 9, his preliminary examination date has been moved twice and is now scheduled for August 30. Schurr's defense team has said the delay is necessary "due to a large amount of discovery in the case."

Although no details about this discovery have been revealed, it appears that Schurr's lawyers are gathering evidence to support their defense argument that the former officer was justified in killing Lyoya because he followed department procedure and feared for his life.

According to Michigan law, a preliminary hearing is held to verify that a crime has taken place and that the accused is more likely than not the person who has committed the crime. Although Michigan has a 14-day rule that says a preliminary hearing must take place within this time frame after the arrest, it is almost always delayed in murder cases. The prosecution did not object to the delay.

The brutal murder of Lyoya, whom Schurr shot in the back of the head after a physical altercation during a traffic stop, was captured on dashcam, bodycam and smartphone video. Following a short chase and struggle over the officer's Taser, Schurr wrestled Lyoya to ground and fired one shot to the back of his head, killing him instantly.

Initially, it took Kent County Prosecutor Chris Becker more than two months to announce that Schurr was being charged with murder. Schurr was then arraigned

on June 10 at which he pleaded not guilty and was released on \$100,000 bond. Then on June 15, Grand Rapids City Manager Mark Washington announced that he was firing Schurr, effective June 10.

Schurr's case is being tried in the Grand Rapids 61st District Court by Judge Nicholas Ayoub. On June 21, Ayoub presided over a probable cause hearing at which Schurr was not present. Chris Becker explained that, because of the pandemic, the defendant's attendance at this hearing was not required.

At the hearing, Ayoub issued an order in which he prohibited outbursts and emotional displays in the courtroom. This ban was imposed after verbal clashes between Schurr's supporters and protesters at the arraignment hearing on June 10 where over 60 people, including uniformed police officers, came to support Schurr. However, there were no protesters or demonstrators present at the June 21 hearing.

Matt Borgula, one of Schurr's attorneys, told the *Detroit News* that the purpose of Ayoub's order is "so the process in this country, this system of justice, can play out and not turn into some sort of sideshow outside the court. You can't have people standing everywhere and you can't have any sort of public display or any verbal display as well."

When Becker announced the charges, he explained the elements required to prove second-degree murder. A death had to have taken place caused by the defendant who was intending to kill or inflict serious bodily harm that would lead to death. Finally, according to Becker, guilt requires "the death was not justified or excused."

It is on this final point that Schurr's attorneys will contest the charges. They argue that Schurr followed

departmental rules and was justified in his use of force. They have said that Lyoya's death was not murder, "but an unfortunate tragedy."

They went on to declare, "Mr. Lyoya gained full control of a police officer's weapon while resisting arrest, placing Officer Schurr in fear of great bodily harm or death." In point of fact, the unnamed weapon which Schurr's attorneys mention was the officer's Taser.

Borgula has predicted that Schurr will be acquitted: "You've all seen the video. You've seen all the steps that Officer Schurr took along the way. And when we have a trial in front of the jury with all the evidence, after we have a chance to review it, we feel very confident that a jury will find him not guilty."

However, when he was pressed about the difficulty in convincing a jury that the execution-style killing of Lyoya, an unarmed man, was justified, Borgula was far more reserved. "You want me to give you a closing statement right now? We're not going to do that because we haven't seen all the evidence yet. But obviously it's difficult to convince 12 people off the street of anything."

Borgula continued by talking about the burden of proof in this case saying it is the government's obligation to "prove beyond a reasonable doubt that this was a murder. It's not our burden to prove that he was innocent. We do think he's innocent and we do think this was a justified action in the scope of his duties."

The local police union is of course supporting Schurr. On April 26, the Grand Rapids Police Officer Association (GRPOA) released a rambling statement which discussed everything Lyoya "might" have been or "may" have done had officer Schurr not shot him in the back of the head.

The statement, which does not mention Lyoya by name, presents him as a criminal with a history of violence. The homepage of the GRPOA has a large section dedicated to Schurr, in which they suggest "prayer" and "financial assistance" as ways to help the former officer.



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