



Office of the New York State Attorney General Letitia James

Office of Special Investigation

October 9, 2026

Report on the Investigation into the Death of Brian Czornyj

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) directs the Attorney General's Office of Special Investigation (OSI) to investigate, and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a peace officer. When OSI, as in this case, does not seek charges against the officer, Section 70-b requires OSI to issue a public report. This is the public report of OSI's investigation of the death of Brian Czornyj, who was shot and killed on June 5, 2025, by Town of Poughkeepsie Police Department (TPPD) Officer John Gouger.

On June 5, 2025, TPPD Officers Gouger and Tier Spruill responded to a 911 call reporting that Mr. Czornyj was armed with a sword and had struck his father and members of a mobile crisis team from Mental Health America (MHA) of Dutchess County, who had responded to the Czornyj home earlier in the day. When the officers arrived, they encountered Mr. Czornyj, armed with a sword. Officers repeatedly ordered him to drop the sword. After Mr. Czornyj failed to comply, Officer John Gouger discharged his firearm, striking Mr. Czornyj twice. Mr. Czornyj was transported to the hospital and pronounced dead shortly thereafter.

Brian Czornyj was 36 years old when he died.

Having thoroughly investigated the facts and analyzed the law, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Gouger's use of deadly force against Brian Czornyj was justified under New York law and, therefore, will not seek charges and closes the matter with this report.

FACTS

The following is based on TPPD records, witness interviews, 911 calls, and body-worn camera (BWC) footage gathered during OSI's investigation.

On June 5, 2025, at 2:15 p.m., Mr. Czornyj's mother called [911](#) to report that her son was armed with a sword and had injured members of a mobile crisis team from MHA and the MHA employee's hands were "all cut up." She reported that her son "needs to be contained" and said her husband was also bleeding and hurt on his head and both her husband and son were holding on to the sword.

Prior to the 911 call, MHA mobile crisis team members had been dispatched to the house to assist with an emotionally disturbed adult experiencing a mental health episode. During their intervention, Mr. Czornyj went to the back room of the house and returned holding a sword. Mr. Czornyj went toward one of the MHA employees and swung the sword at her, striking her

and causing multiple lacerations to her hand. Mr. Czornyj's father grabbed the sword and told his wife and the MHA employees to get out of the house and call 911. Mr. Czornyj's father attempted to take the sword away from Mr. Czornyj. During the struggle, Mr. Czornyj's struck his father with the sword causing injuries to his head and ear.

When TPPD Officers Gouger and Spruill entered the house, they saw Mr. Czornyj's father holding the sword by the blade while Mr. Czornyj held it from the sword's grip. The officers, with their firearms drawn, repeatedly ordered Mr. Czornyj to drop the sword. Mr. Czornyj did not comply, and Officer Gouger discharged his firearm twice, striking Mr. Czornyj in the chest and arm. As Mr. Czornyj fell to the floor, his father grabbed the sword from him and tossed it away. Officers radioed, "Shots fired," and administered cardiopulmonary resuscitation (CPR) until emergency medical services (EMS) arrived. EMS treated Mr. Czornyj and transported him to Vassar Brothers Medical Center where he was pronounced dead at 3:04 p.m.

BWC Videos

BWC videos from Officers [Gouger](#) and [Spruill](#) showed that both officers entered the house with their guns drawn and identified themselves. Officer Gouger approached Mr. Czornyj and his father. Mr. Czornyj's hand was on the handle of the sword and his father's hand was on the blade; his father asked the officers, "Can you come and cuff him?" Officer Gouger repeatedly told Mr. Czornyj to put the sword down or he was going to shoot him as he simultaneously tried to grab the sword. When Mr. Czornyj failed to drop the sword, Officer Gouger shot him twice. After he fell to the floor, Officer Gouger told Officer Spruill to "cuff him up and pat him down." Officer Gouger then rendered aid to Mr. Czornyj.



Screenshot from Officer Gouger's BWC video showing Mr. Czornyj and his father, circled in yellow, holding the sword



Screenshot from Office Gouger's BWC video showing the sword used by Mr. Czornyj

Interview of Officer Jonathan Gouger

OSI interviewed Officer Gouger who said that on June 5, 2025, a call came in from dispatch for a man with a sword who had assaulted two people. He recognized the address since he had responded there previously for mental health calls. At the time of the incident, Officer Gouger had been with TPPD for almost seven years and had never fired his service weapon. He was assigned as the field training officer for Officer Spruill and was not equipped with a Taser, though Officer Spruill was. TPPD's Policy 304.3 regarding Conducted Energy Weapon (CEW) states that "authorized police officers must carry a CEW on patrol. Uniformed officers who have been issued the CEW shall wear the device in an approved holster." Officer Gouger said only one officer in a responding team needs to be equipped with a Taser (a CEW). According to Officer Gouger, as he walked into the house, he saw Mr. Czornyj's mother standing in the entryway and saw Mr. Czornyj and his father inside the house. Mr. Czornyj's father said, "Can you handcuff him" and "Get this away" (indicating the sword). He said he

saw the father's hand on the blade of the sword and Mr. Czornyj's hand on the handle. He yelled "Drop it" a couple of times and grabbed the sword in the middle with his left hand while his right hand was on his firearm. He said he heard Mr. Czornyj tell him to "Drop that" and believed he was referring to his firearm. He said Mr. Czornyj had an angry look, was pulling the sword back, and was not listening to commands. He said he felt in fear for the father and his own life and shot Mr. Czornyj twice to "stop the assault and whatever else could come." He directed the responding officers to administer CPR, apply an automated external defibrillator which advised no shock, and place a chest seal on Mr. Czornyj's gunshot wounds. Officer Gouger said he did not sustain any injuries.

Interview of Officer Tierre Spruill

OSI interviewed Officer Spruill, who said that on June 5, 2025, he was assigned to field training and had been with TPPD for seven to eight months. A call came in for a man wrestling his father with a sword and a person from MHA bleeding. As he arrived, he saw a woman outside bleeding from her hand. He was behind his partner, Officer Gouger, and yelled out that he has "less lethal" on him. When they got inside, he said he saw two men "wrestling over the sword," and one man was bleeding. He saw the sword close to his partner, so he holstered the Taser and went for his firearm but that was when his partner shot Mr. Czornyj.

Interview of MHA Employees

The MHA employees both drafted sworn statements which stated that they responded to a call from Mr. Czornyj's father reporting that his son had been making concerning statements and requesting MHA assistance. Upon arrival, both MHA workers spoke to Mr. Czornyj, who talked about the afterlife, claimed to be the Lord, and showed them rocks that he described as depicting different things. He continued to "ramble" and then went into his room and returned holding a sword. Mr. Czornyj took the sword out of the sheath and swung it at one of the MHA workers. His father grabbed him from behind, but Mr. Czornyj charged at the MHA worker. The MHA worker attempted to stop Mr. Czornyj and grabbed the sword with her hands, causing her hands to bleed. She ran out of the house as Mr. Czornyj and his father were struggling over the sword and fell on the driveway, causing scratches to her body.

Medical Examination and Autopsy

Dr. Mary Grace Centeno of the Dutchess County Office of the Medical Examiner performed the autopsy and concluded that the cause of Mr. Czornyj's death was gunshot wounds of torso and right upper extremity and deemed the manner of death to be homicide (shot by police). Dr. Centeno determined that Mr. Czornyj sustained a perforating gunshot wound of the right arm with an associated penetrating re-entry gunshot wound of the lateral right chest and a penetrating gunshot wound of the right arm.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly physical force against another. Justification is a defense, Penal Law Section (PL) 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1).

As the Court of Appeals stated in *People v Castillo*, 42 NY3d 628, 631 (2024):

The defense of justification provides that a person may use physical force to defend himself against an assailant's "imminent use of unlawful physical force," but does not authorize the use of "deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force" (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that "defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force," and an objective requirement, that defendant's "reactions were . . . those of a reasonable man acting in self-defense" (*People v Collice*, 41 NY2d 906, 907 [1977]). (Square brackets and ellipses in original.)

Here, Officer Gouger used deadly physical force when he shot Mr. Czornyj. Under PL 10.00(1), "deadly physical force" is "physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury." Under PL 10.00(10), "serious physical injury" is "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

PL 35.30 is the provision defining justification when a police officer or peace officer uses force to effect or attempt to effect an arrest for an offense. PL 35.30(1) provides:

A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ...

the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

Police officers using deadly physical force pursuant to PL 35.30(1) are under no duty to retreat when threatened with deadly physical force, PL 35.15(2)(a)(ii).

Here, under PL 35.00, the officers could use the physical force they reasonably believed to be necessary to effectuate the arrest of Mr. Czornyj and could use deadly force if they reasonably believed it was necessary to defend themselves or another against Mr. Czornyj's imminent use of deadly physical force. Prior to the officers' arrival, Mr. Czornyj armed himself with a sword and assaulted an MHA worker and his father. Upon arrival, officers saw Mr. Czornyj armed with a sword and the MHA worker bleeding from her hand and his father bleeding from his head. Officer Gouger repeatedly ordered Mr. Czornyj to drop the weapon, but he did not comply. Officer Gouger attempted to take control of the sword but was unsuccessful. At that point, Officer Gouger believed it was necessary to use deadly physical force to avoid deadly physical force to the father, himself, or anyone else in the home.

Based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Gouger's use of deadly physical force was justified under the law. As a result, OSI will not seek charges and closes the matter with the issuance of this report.

Dated: October 9, 2026