



**Office of the New York State Attorney General Letitia James**

## Office of Special Investigation

September 25, 2025

# Report on the Investigation into the Death of Gary Worthy

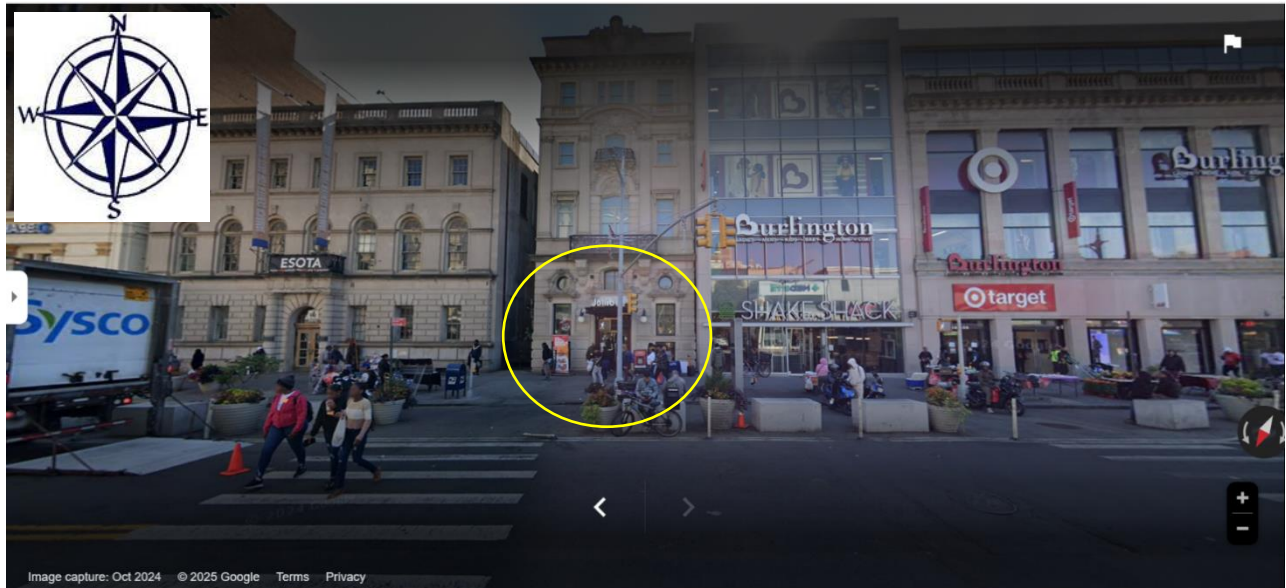
## OVERVIEW

New York Executive Law Section 70-b (Section 70-b) authorizes 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 peace officer. When, as in this case, OSI does not seek charges, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Gary Worthy, who was shot and killed on November 19, 2024, by New York City Police Department (NYPD) Police Officer Rich Wong.

On November 19, 2024, a witness called 911 to report that a person used a gun to commit a robbery at a smoke shop on Guy R. Brewer Boulevard in Jamaica, Queens. In response, Officer Wong and his partner, Officer Nicholas Pryor, left their precinct stationhouse in a marked police car and drove to the area in an attempt to apprehend the person who had reportedly committed the robbery. When they arrived at 160<sup>th</sup> Street and Jamaica Avenue the 911 caller approached the officers' police car, pointed toward Mr. Worthy, and identified him as the person who had robbed the convenience store. Officer Wong got out of the police car. Mr. Worthy ran down the sidewalk along Jamaica Avenue, and Officer Wong ran after him. As they ran, Mr. Worthy turned and fired a gun, striking Officer Wong in the leg; the bullet went through Officer Wong's leg and struck a bystander in the leg. Officer Wong discharged his firearm three times, striking Mr. Worthy twice. Mr. Worthy was taken to a local hospital and pronounced dead. Officer Wong and the bystander were treated for their injuries.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that Officer Wong's use of deadly force against Mr. Worthy was justified under New York Law, and will not seek charges in this case.

## FACTS



*View of 161-02 Jamaica Avenue, Jamaica, Queens, from Google Maps. Mr. Worthy fell to the sidewalk in front of this building when he was shot.*

### 911 Calls

On November 19, 2024, at 6:24 p.m., FO (OSI does not publish the names of civilian witnesses) called 911 and said he witnessed a robbery inside 92-18 Guy R. Brewer Boulevard, a smoke shop. FO said the robber had a “weapon.” The 911 call may be accessed [here](#).

At 6:26 p.m. AA, an employee of the smoke shop at 92-18 Guy R. Brewer Boulevard, called 911 and said a Black man wearing a black hoody robbed his store. AA said the man stole money and fired a gun at him, but said the bullet did not strike him. The 911 call may be accessed [here](#).

At 6:27 p.m. FO called 911 and said he was following the suspect at 160<sup>th</sup> Street and Jamaica Avenue. FO said the suspect was wearing a black coat, but that he took the coat off and was wearing a white shirt. FO told the 911 operator that he saw police officers and then, apparently speaking with those officers, said, “That guy just robbed the shop, the guy in the white shirt.” The 911 call may be accessed [here](#).

### Witness Interviews

#### FO

OSI interviewed FO, the 911 caller. FO said he entered a smoke shop on Guy R. Brewer Boulevard

and heard one of the employees repeatedly yell, "Please don't kill me," and saw a man wearing a dark colored coat telling the employee, "Give me the cigarettes and all the money." FO said he walked out of the store, heard a gunshot from within the store, and called 911. According to FO, as he was speaking with the 911 operator the man came out of the store. FO said he followed the man to Jamaica Avenue and remained on the call with the 911 operator, providing them with the man's location and description. Once on Jamaica Avenue, FO said he saw two officers in a police car. According to FO, he approached the officers, pointed out the man, and watched as one of the officers got out of the police car and shouted "Stop" several times at the man. FO said the man then shot at the officer and that the officer returned fire, striking the man.

#### Police Officer Rich Wong

OSI interviewed Officer Wong in the presence of his attorney.

Officer Wong joined NYPD on October 18, 2017. On the day of the shooting, November 19, 2024, he was assigned to the 103<sup>rd</sup> Precinct in Queens. Prior to November 19, 2024, Officer Wong had never discharged his firearm in the line of duty, apart from training.

Officer Wong said that he and Officer Pryor were doing administrative work at the 103<sup>rd</sup> Precinct stationhouse when they heard a radio transmission of two commercial armed robberies, one in the 107<sup>th</sup> Precinct and another one in the 103<sup>rd</sup> Precinct, by a person with the same description. Officer Wong said he and Officer Pryor immediately left the precinct in a marked police car to canvass for the person; Officer Pryor was the driver, and Officer Wong was the front-seat passenger. Officer Wong noted that in his haste, he left his BWC in the stationhouse. According to Officer Wong, when the officers were on Jamaica Avenue by 160<sup>th</sup> Street a man knocked on their car window and told them he had witnessed one of the store robberies. Officer Wong said the man gave them a description of the robber, and they saw a man matching the description walking down Jamaica Avenue (Mr. Worthy). Officer Wong said he got out of the car to follow Mr. Worthy from behind, while Officer Pryor was to drive forward, past Mr. Worthy, to block him from the front. Officer Wong said Mr. Worthy looked behind, saw Officer Wong following him, and began to run. Officer Wong said that as Mr. Worthy ran Mr. Worthy fired at Officer Wong, striking him once in the leg. Officer Wong said that after he was shot he pulled out his service firearm, fired three times at Mr. Worthy, and then collapsed from the pain in his leg.

Officer Wong said he was familiar with Mr. Worthy as a suspect in several commercial armed robberies in the 103<sup>rd</sup> Precinct. Officer Wong said he made several verbal commands to Mr. Worthy to stop running, and that he (Officer Wong) kept his firearm holstered as he chased Mr. Worthy. Officer Wong said he first saw Mr. Worthy holding a gun when Mr. Worthy was running and turned around to fire at him.

#### Police Officer Nicholas Pryor

OSI interviewed Officer Pryor in the presence of his attorney. He said he and Officer Wong were in

the stationhouse when they heard a radio transmission of “shots fired” during the course of a robbery. Officer Pryor assumed the suspect in the robbery was Mr. Worthy, who was a person of interest in several armed robberies. Officer Pryor said that 15 minutes after the first transmission a second transmission came in of another armed robbery. Officer Pryor and Officer Wong left the precinct to canvass for the person involved. Officer Pryor said as they drove on Jamaica Avenue they saw Mr. Worthy, who matched the description of the suspect, and that a witness to one of the robberies approached them, and identified Mr. Worthy as the suspect. Officer Pryor said that he and Officer Wong decided to confront Mr. Worthy: Officer Wong would follow Mr. Worthy on foot, and he, Officer Pryor, would drive the car forward to block Mr. Worthy’s path. Officer Pryor said that after Officer Wong got out of the car he saw Officer Wong chase Mr. Worthy, which prompted him to get out of the car and follow on foot. Officer Pryor said he heard the sound of gunfire almost immediately after getting out of the car. Officer Pryor ran toward Mr. Worthy, who was face down on the ground, bleeding. Officer Pryor said he flipped Mr. Worthy over, but did not render aid to him, and ran over to Officer Wong when he realized he was shot.

#### Lieutenant Frantz Chauvet

OSI interviewed Lieutenant Chauvet in the presence of his attorney. Lt. Chauvet said that on November 19, 2024, he was the platoon commander of the 103<sup>rd</sup> Precinct and responded to an armed robbery call at a grocery store on Hillside Avenue. Lt. Chauvet spoke with a witness who said the suspect had fired a gun during the robbery. According to Lt. Chauvet, details of the robbery were consistent with a commercial robbery pattern in the 103<sup>rd</sup> Precinct, and Mr. Worthy was a person of interest in the robbery pattern. While in the grocery store, Lt. Chauvet heard a radio transmission for an armed robbery near Jamaica Avenue. He said the transmission indicated a witness was following the suspect. Lt. Chauvet left the store, drove toward Jamaica Avenue, and when he got out of the car he heard three to four gunshots. Lt. Chauvet said he saw that Officer Wong and Mr. Worthy had both been shot, and that there was a revolver on the ground next to Mr. Worthy. Lt. Chauvet recalled instructing officers to render first aid to Mr. Worthy and advising them to radio for an ambulance. He said he and other officers then picked Officer Wong up from the ground, placed him in a police van, and transported him to a local hospital.

#### Lieutenant Enmanuel Cruz

OSI interviewed Lieutenant Cruz in the presence of his attorney. Lt. Cruz said that on the evening of November 19, 2024 he responded to an armed robbery at a convenience store on Guy R. Brewer Boulevard and spoke with the victim, who said the suspect shot at him. Lt. Cruz remained at the store until he heard a radio transmission for “shots fired” on Jamaica Avenue. According to Lt. Cruz, when he arrived at the shooting location he saw Officer Wong taken away from the scene and saw Mr. Worthy on the ground bleeding and motionless. Lt. Cruz said Mr. Worthy was visibly injured and that an officer was rendering aid to him; Lt. Cruz did not know which officer was rendering aid or what aid was provided.

## JZ

OSI interviewed JZ, who said she was walking toward the Target store on Jamaica Avenue when she heard people yelling. She said that as she opened the entry door to Target she felt a “sting” in her leg. She said once she was inside the store she noticed blood coming from her leg. JZ said she was taken to Jamaica Hospital where she learned that she had been shot, and that a bullet was lodged in her thigh. In her OSI interview she said the bullet would be surgically removed at a later date.

## JK

OSI interviewed JK, an employee at the Village Market & Grill, on Hillside Avenue, Jamaica, Queens. She said that on November 19, 2024, a man entered the store, approached the counter with a gun, and demanded money. JK said she and another employee immediately ran downstairs to the basement where they hid until they were able to escape through a back door. JK said that while in the basement she heard the sound of gunfire from upstairs.

## **Videos**

### *The Shooting*

#### NYPD Argus Camera Video

The NYPD Argus camera system is a closed-circuit television (CCTV) video surveillance system monitored by the NYPD and consists of cameras mounted on poles throughout New York City; Argus videos do not capture audio. On November 19, 2024, an Argus camera was mounted on a light pole in front of 161-01 Jamaica Avenue. Argus video showed that, at 6:29:58 p.m., Officers Wong and Pryor pulled up in a marked police car and got out. The video showed that Mr. Worthy, holding what appeared to be a dark colored coat in his right hand, ran when the officers got out of the car, and showed that Officer Wong ran behind him. The video showed that Mr. Worthy transferred the coat to his left hand and, with his right hand, appeared to remove something from the right side of his body as he turned toward Officer Wong. At 6:30:03 p.m. Officer Wong appeared to point his firearm at Mr. Worthy, and Mr. Worthy dropped to the ground. At 6:30:08 p.m. Officer Wong dropped to his knees, eventually falling completely flat on the ground. At 6:30:12 p.m. an officer dragged Mr. Worthy's body a few feet as several officers arrived and surrounded Officer Wong. The Argus video, redacted according to the Attorney General's video release policy, may be viewed [here](#).

#### Security Video from 160-12 Jamaica Avenue

Video from 160-12 Jamaica Avenue, a retail store, showed that at 6:29:58 p.m. Mr. Worthy transferred what appeared to be a black coat from his right arm to his left arm and ran east

along the sidewalk on Jamaica Avenue; the video did not capture audio. The video showed that Officer Wong ran after him. At 6:30:00 p.m. Mr. Worthy turned around, appeared to reach for something near his waist, and ran while his body was turned, facing Officer Wong behind him. At 6:30:03 p.m. Officer Wong pointed his firearm toward Mr. Worthy, and Mr. Worthy dropped to the ground. At 6:30:07 p.m. Officer Wong dropped to his knees, and then collapsed on the ground. The video, redacted according to the Attorney General's video release policy, may be viewed [here](#).

### *Events After the Shooting*

OSI reviewed Argus video, security video, and BWC from Lt. Chauvet, Officers Pryor, Peter Giganti, Valentina Castrillon, John Siderius, Andrico Caballero, and several others, and our review showed that at 6:30 p.m. Mr. Worthy fell to the sidewalk, that he was visibly injured and bleeding, and that officers rolled him over and rear-cuffed him. At 6:34 p.m. Officer Caballero requested an ambulance for Mr. Worthy. The videos showed that none of the officers attempted to render aid to Mr. Worthy by performing chest compressions, utilizing an automated external defibrillator (AED), by putting pressure on his wounds, or otherwise. The videos showed that an ambulance arrived at 6:35 p.m., more than five minutes after Mr. Worthy dropped to the ground, and EMTs placed Mr. Worthy in the ambulance at 6:37 p.m., two minutes after they arrived. At 6:41 p.m., the ambulance departed with Mr. Worthy.

### **Evidence Collection and Analysis**

NYPD's Crime Scene Unit (CSU) collected evidence and took photographs. A .357 Magnum Colt Python revolver was recovered next to Mr. Worthy after he was shot. CSU Det. Alana Piteo inspected the state of load: the cylinder of the revolver had a capacity of six rounds, and upon inspection contained one live cartridge and three discharged shell casings.

NYPD's Firearms Analysis Section (FAS) conducted an operability test on the recovered revolver and found it to be operable.

CSU Sergeant Martin Maloney inspected the state of the load of Officer Wong's department-issued firearm, a Sig Sauer P226 9mm pistol with a capacity of 16 rounds (15 in the magazine and one in the firing chamber). The pistol had one live round in the chamber and 12 live rounds in the inserted magazine, which was consistent with Officer Wong's having fired three rounds.

CSU recovered three discharged 9mm Luger +P shell casings (consistent with NYPD issued ammunition), one .357 Magnum live cartridge (referenced above), and three discharged .357 Magnum shell casings (referenced above). FAS microscopically compared the 9 mm shell casings with test fires from Officer Wong's department-issued pistol and the .357 Magnum shell casings with test fires from the revolver recovered next to Mr. Worthy and concluded the following:

- The three .357 Magnum caliber shell casings were discharged from the .357 Magnum Colt Python revolver;
- The three 9mm Luger +P caliber shell casings were discharged from Officer Wong's pistol.

On December 23, 2024, a deformed bullet was removed from JZ's right thigh at a local hospital. The bullet was tested by FAS and found to have been discharged from the revolver recovered next to Mr. Worthy.

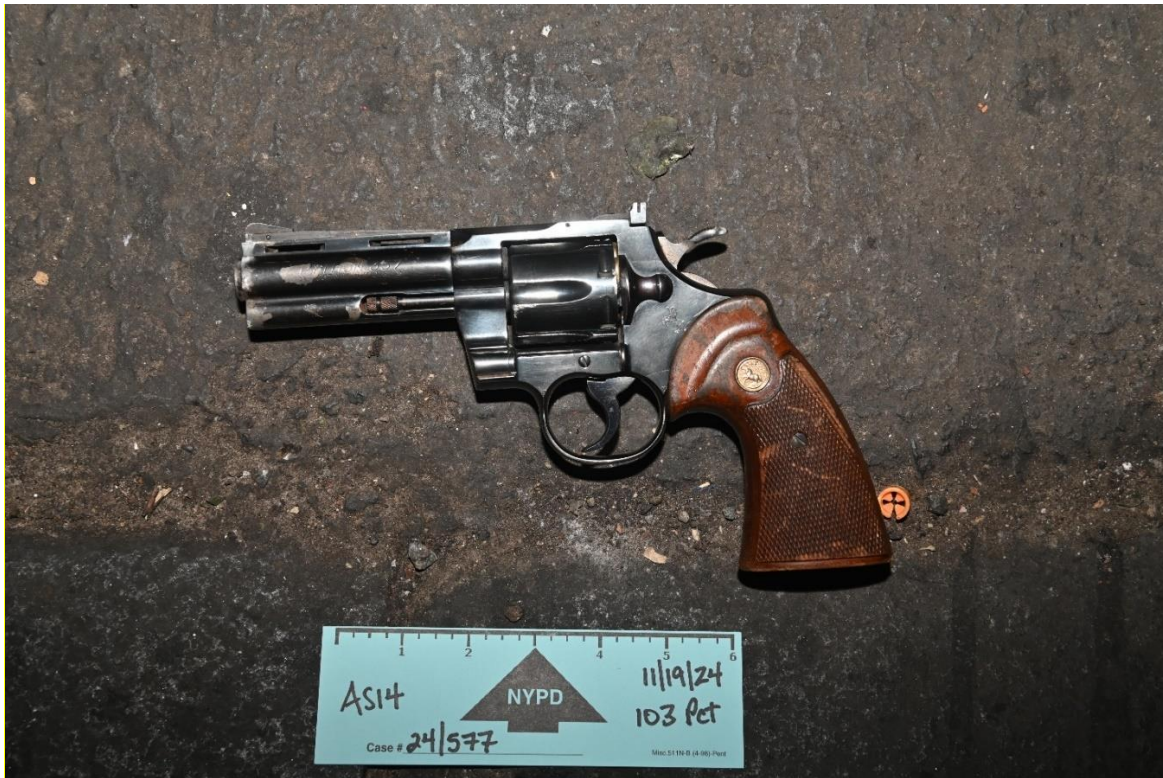
The .357 Magnum Colt Python revolver recovered next to Mr. Worthy, and the live cartridge and discharged shell casings removed from its cylinder, were examined for potential fingerprint evidence. The NYPD laboratory report said there were "no latent prints/friction ridge detail" either "suitable for capture/identification" or "observed" on the items.

The .357 Magnum Colt Python revolver was swabbed for DNA. The Office of Chief Medical Examiner's (OCME's) Department of Forensic Biology tested the following samples and made the following conclusions:

- The swab from the "grip handle" showed four contributors. Gary Worthy was a contributor to the DNA sample, and his DNA was 97.32% of the mixture.
- The swab from the "muzzle, both sights, hammer, cylinder" showed three contributors. Gary Worthy was a contributor to the DNA sample, and his DNA was 92.56% of the mixture.
- The swab from the "trigger/trigger guard" was not analyzed "due to an insufficient concentration of DNA."



*Crime Scene Unit photo of the incident scene; orange cones and numbered markers indicate the ballistics evidence, Mr. Worthy's revolver (circled), and other potential evidence.*

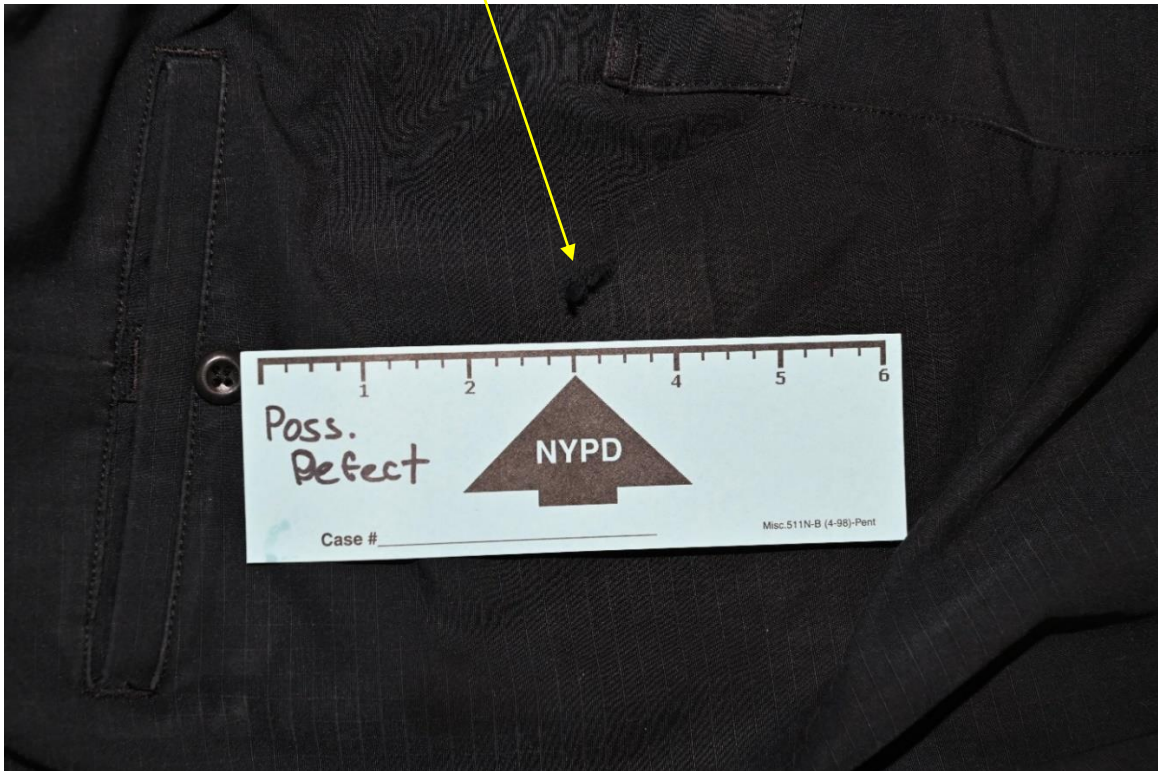


Two Crime Scene Unit photos of Mr. Worthy's revolver.

ESU recovered Officer Wong's NYPD uniform pants, with apparent ballistic damage to the right pant leg.



Two Crime Scene Unit photos depicting the front of Officer Wong's uniform pants, showing damage from gunfire.



Two Crime Scene Unit photos depicting the back of Officer Wong's uniform pants, showing damage from gunfire.

## Autopsy

After the shooting, Mr. Worthy was transported to Jamaica Hospital Medical Center, arriving at 6:45 p.m. At 7:04 p.m. Dr. Robert Lakoski pronounced him dead.

On November 20, 2024, Dr. Sean Kelly of OCME performed the autopsy of Mr. Worthy and concluded that the cause of his death was “gunshot wounds of torso” and deemed the manner of death to be “homicide (shot by police).” Dr. Kelly’s report said Mr. Worthy was shot twice; he was shot once in the chest, and once in the abdomen. The autopsy report noted that two bullets were recovered from Mr. Worthy’s body, one from the subclavian region and the other from the umbilical region. A microscopic analysis of the recovered bullets determined that the bullets were “identified” as having been discharged from Officer Wong’s firearm; the microscopic analysis “eliminated” the bullets as having been fired from Mr. Worthy’s revolver.

OSI interviewed Dr. Kelly. Dr. Kelly said that cardiopulmonary resuscitation (CPR) and chest compressions were not the medical interventions Mr. Worthy required for his injuries; Dr. Kelly said Mr. Worthy required immediate surgery. According to Dr. Kelly, Mr. Worthy underwent surgery at a local hospital, but the surgery did not prevent his death. Dr. Kelly said Mr. Worthy suffered internal bleeding from the gunshot wounds and that the blood loss resulted in his death. He explained that internal bleeding inhibits the flow of blood to the brain which results in loss of consciousness, and that these injuries are typically rapidly fatal, with irreversible brain damage occurring within five to seven minutes. Dr. Kelly said that controlling or suppressing external bleeding does not stop internal bleeding.

## LEGAL ANALYSIS

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

The Court of Appeals summarized the justified use of deadly physical force this way, in *People v Jairo 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 the original.)

Article 35 contains a provision, PL 35.30, defining justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense. Based on the investigation, Officer Wong reasonably believed that Mr. Worthy had committed a robbery and was in possession of a gun, and was attempting to arrest him for offenses including Robbery in the First Degree, PL165.15, and Criminal Possession of a Weapon in the Second Degree, PL 265.03. When attempting to effect an arrest, and confronting the use or imminent use of deadly physical force, a police officer need not retreat before using deadly force to defend him/herself or others, PL 35.15(2)(a)(ii).

PL 35.30(1) provides, in pertinent part:

“A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, 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 to prevent the escape from custody, 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 another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.”

Deadly physical force is defined as “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.” PL 10.00(11). Serious physical injury means “impairment of a person’s physical condition 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 10.00(10). The Penal Law defines a deadly weapon as “any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged....” PL 10.00(12).

In this case, Officer Wong was aware that Mr. Worthy was a suspect in several armed

robberies, and when he arrived on Jamaica Avenue a civilian identified Mr. Worthy as the person who, minutes prior, robbed a smoke shop with a gun. When Officer Wong attempted to apprehend Mr. Worthy, Mr. Worthy ran, and shot Officer Wong in the leg. Officer Wong then fired at Mr. Worthy. Officer Wong's account is corroborated by surveillance video, eyewitness accounts, forensic examination of the revolver recovered near Mr. Worthy, by the DNA results showing Mr. Worthy's DNA on the revolver, by the ballistic damage to Officer Wong's clothing, and by the ballistic evidence removed from JZ.

Although none of the police officers who witnessed Mr. Worthy on the ground, visibly injured and bleeding, provided aid to him, aid by them would not have been likely to prolong Mr. Worthy's life, as he required immediate surgery, based on Dr. Kelly's opinion.

In sum, based on the evidence in this investigation, OSI concludes that a prosecutor would be unable to disprove beyond a reasonable doubt that Officer Wong's use of deadly physical force was justified under the law and will close the matter with the issuance of this report.

### **RECOMMENDATION**

**OSI recommends that NYPD emphasize in its training that officers must aid any person injured by police use of force, even if the person who needs aid has injured a police officer.**

NYPD Patrol Guide Section (PG) 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," requires that when an officer uses force, officers must "obtain medical attention for any person injured as soon as reasonably possible," and officers must "render reasonable aid to injured person(s) and/or request an ambulance or doctor to the location as necessary." PG 221-04, "Firearms Discharge by Uniformed Members of the Service," says "When a firearm belonging to the Department, or belonging to, or in possession of, a uniformed member of service is discharged by any person, either on or off-duty," officers must "call for ambulance and render assistance to injured, if necessary."

Here, multiple videos showed a heavy police response to the scene in front of 161-02 Jamaica Avenue after Mr. Worthy and Officer Wong were shot. The videos showed that several officers rushed to aid Officer Wong, lifting him from the ground and transporting him immediately in a police van to a local hospital. There were many other officers present who were not involved in the care of Officer Wong; they did call for an ambulance, but they did not aid Mr. Worthy during the five minutes he lay on the ground before the ambulance arrived. Although, as Dr. Kelly explained, medical attention outside of a hospital setting would not have saved Mr. Worthy's life, situations exist where immediate medical attention by officers can prolong life, particularly in use of force incidents where officers who cause the injury are with the injured person before the EMTs arrive.

In the present case, the failure to aid Mr. Worthy was not the result of insufficient personnel

present at the scene. OSI cannot say that the failure to aid Mr. Worthy was the result of officers' reaction to Mr. Worthy's having shot Officer Wong, but whatever the case may be, similar situations may well occur in the future. Therefore, OSI recommends that NYPD (and all police agencies) train their officers to aid any person injured by police use of force, even if the person who needs aid has injured a police officer. Given the chaotic and emotional nature of an incident of this kind, the training should be scenario-based, using simulations and role-play, rather than relying solely on a sentence or two in a lecture or a PowerPoint. In OSI's view, substantial training would be required to overcome officers' natural impulses in cases of this kind.

Dated: September 25, 2025