



State of New York

FEB 03 2017

Department of State
Secretary of State

State of New York

Executive Chamber

No. 163

EXECUTIVE ORDER

A SPECIAL PROSECUTOR TO INVESTIGATE AND PROSECUTE MATTERS ARISING OUT OF OR RELATING TO THE DEATH OF EDSON THEVENIN

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the office of Governor; and

WHEREAS, on April 17, 2016, in Rensselaer County, Edson Thevenin was killed by a law enforcement officer, as defined by subdivision 34 of section 1.20 of the Criminal Procedure Law, who was employed by the Troy Police Department (the "Incident"); and

WHEREAS, significant concerns have been raised regarding the investigation into Edson Thevenin's death; and

WHEREAS, the foregoing compels me to conclude that in this case, to ensure full confidence in our system of criminal justice, a special prosecutor should be appointed. Such appointment of a special prosecutor will supersede in all ways the authority and jurisdiction of the Rensselaer County District Attorney to manage, interpret, prosecute or inquire into this matter; and

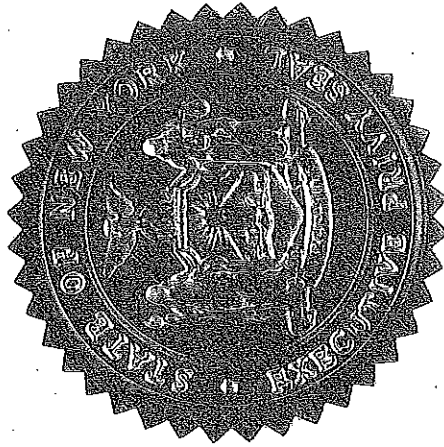
NOW, THEREFORE I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, and particularly by subdivision 2 of section 63 of the Executive Law, hereby authorize the Attorney General (hereinafter, the "special prosecutor") to investigate, and if warranted, prosecute any and all unlawful acts or omissions or alleged unlawful acts or omissions by any person arising out of, relating to, or in any way connected with the Incident and its subsequent investigation, including its grand jury presentation;

FURTHER, regarding any and all unlawful acts or omissions or alleged unlawful acts or omissions identified above, the special prosecutor shall have all of the powers and duties specified in subdivisions 2 and 8 of section 63 of the Executive Law for purposes of this Order, and shall possess and exercise all the prosecutorial powers necessary to investigate, and if warranted prosecute such acts or omissions;

FURTHER, regarding any and all unlawful acts or omissions or alleged unlawful acts or omissions identified above, the special prosecutor shall conduct a full, reasoned, and independent investigation including but not limited to, (i) gathering and analyzing evidence, (ii) conducting interviews, and (iii) reviewing investigative reports, scientific reports, and audio and video recordings;

FURTHER, regarding any and all unlawful acts or omissions or alleged unlawful acts or omissions identified above, the special prosecutor shall, (i) attend in person, a term or terms of the County or Supreme Court to be held in and for the County of Rensselaer, (ii) appear in person before any grand jury drawn for any term(s) of said court, for the purpose of conducting any and all proceedings, examinations, and inquiries, and (iii) bring any and all criminal actions and proceedings which may be had or taken before said grand jury and other grand juries.

This Executive Order shall continue until modified, suspended or terminated by the Governor.



GIVEN under my hand and the Privy Seal of the

State in the City of Albany this first day
of February in the year two thousand
seventeen.

A handwritten signature in dark ink, appearing to read "William J. Mahoney". The signature is written in a cursive style with a large initial "W".

BY THE GOVERNOR

William J. Mahoney

Secretary to the Governor