

Juror says prosecution did not prove its case in Jeffrey Peterson murder trial

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By [Jim O'Hara / The Post-Standard](#)



Stephen D. Cannerelli / The

Post-Standard
Jacqueline Bean holds a high school graduation picture of her son Shaheen who was shot and killed June 26, 2010. An Onondaga County jury found Jeffrey Peterson not guilty of murder.

Syracuse, NY -- One of the jurors who acquitted Jeffrey Peterson this week of murder in the [fatal shooting of Shaheen Bean](#) said the jury never got to the issue of whether Peterson was legally justified.

The jury just didn't believe the prosecution proved Peterson's guilt beyond a reasonable doubt, the juror said.

The first vote was 10-2 for acquittal, the juror said. The two jurors who initially voted to convict were convinced relatively easily the evidence simply wasn't sufficient, the juror said.

It took the jury of nine men and three women about two hours – including time for lunch – to reach its verdict Tuesday that Peterson was not guilty of second-degree murder and second-degree criminal possession of a weapon.

Of five jurors contacted, only one agreed to talk if not identified.

The prosecution – handled by Chief Assistant District Attorney Christine Garvey and Assistant District Attorney Melinda McGunnigle – contended Bean touched off the shooting when he rushed at Peterson with a gun as Peterson and his wife arrived home about 4:40 a.m. June 26.

The prosecution contended Peterson was justified in shooting Bean in the leg during a struggle. But authorities argued Bean was incapacitated by that leg injury and that Peterson then executed him by shooting him in the back of the head as Bean lay face down on the ground.

Key to the prosecution case was the testimony of eyewitness Debbie Kinsey. She testified she was standing in the street in front of the Petersons' home when she saw the gunman stoop over the person on the ground and shoot him in the head. She was never asked to identify the gunman as Peterson.



This is a recording of the phone call Debbie Kinsey made to the 911 Center the morning of June 26 to report hearing shots fired and seeing someone on the ground across the street from her East Genesee Street home. The recording captures the sound of a final gunshot and Kinsey's report that a gunman has just shot the victim in the head. The recording was played for jurors in Jeffrey Peterson's murder trial which ended Tuesday with an acquittal.

That gunshot and Kinsey's shriek of horror and account of what she saw was captured on a recording of the call she made to 911.

But Kinsey's testimony was not the conclusive evidence the prosecution contended, the juror said.

"Parts of it were believable. Parts of it were not," the juror said. The juror said the panel believed it was too dark at that time of the morning and the witness was too far away to accurately see what she claimed. Defense lawyer Edward Menkin focused on that throughout the trial.

The juror said the acquittal was not a rejection of Kinsey's version as being inaccurate. It was a conclusion the testimony was not sufficient to convince them of Peterson's guilt beyond a reasonable doubt, the juror said.

The fact Kinsey described the gunman's shirt as a short-sleeved cream-colored shirt while Peterson was wearing a long-sleeved white and purple shirt contributed to that reasonable doubt, the juror said.

The juror also said testimony from a prosecution blood-splatter analysis expert was not convincing about exactly what happened in the 87 seconds during which the incident

played out. The juror said there were questions about Peterson being left-handed but blood splatter from the gunshot was on his right shirt sleeve.

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Additionally, there were no fingerprints found on the gun and no gunshot residue testimony, the juror said.

The fact a stray bullet was found in the ceiling of the porch on the front of the Petersons' home supported the idea that a struggle took place with a gun, the juror said. But there wasn't enough proof to conclude Peterson stood over Bean and shot him as the prosecution contended or to accept the version of the struggle as presented by Peterson and his wife, the juror added.

The juror said the testimony from Peterson's wife, Oasis Sykes-Peterson, played little or no role in the jurors' decision to acquit. The jury made its decision on the lack of evidence from the prosecution, the juror said. "There was doubt in almost everything they presented," the juror said.

McGunnigle deferred to Garvey for any comment. Garvey has not been in the office since the verdict and has not returned phone calls.

"We felt the evidence showed this was an execution and we're disappointed with the verdict," District Attorney William Fitzpatrick said Friday. "But naturally we accept it. The jury has spoken. That's the end of it."

Menkin conceded he thought the case would come down to self-defense so it was a surprise to hear the jury never debated that matter. "In retrospect, it makes a lot of sense," he said of the juror's explanation. Menkin said he emphasized during the trial that Peterson never admitted shooting Bean and Kinsey never identified him as the gunman.

Both the prosecution and defense may have been too close to their arguments to see the simple issue of proof that the jurors focused on, he said. "It's a product of having too much law school education," Menkin said.

Efforts to get comments from other jurors were unsuccessful. One declined comment directly. Two others declined comment through the people that answered the phones at their homes and another declined comment through an email from a relative.

The verdict sparked a raucous melee in the hallway outside the courtroom Tuesday afternoon. That prompted officials to have the jurors escorted out through a back stairwell not accessible to the public.

“As you can imagine, the past several weeks have been difficult for her and she wants to move on,” a husband said in explaining why his wife, a juror, would not comment.

Bean’s mother and sister - Jacqueline Bean, 56, of Hazelwood Avenue, and Makeba Bean, 26, of South Beech Street – and Peterson’s 34-year-old wife all ended up charged with disorderly conduct.

Authorities said scuffling erupted as members of the Bean family were waiting for the elevator. Sykes-Peterson and some of her family stepped off the elevator as they arrived back at court having missed the verdict.

Chief Sean Egan of the New York State Court Officers said animosity between the two sides may have been stoked by what happened in the courtroom as the not guilty verdict was delivered.

The happy reaction of defense lawyer Salvatore Piemonte, who had been retained to represent Peterson but handed over the trial to Menkin, may have prompted members of the Bean family to angrily storm from the courtroom, Egan said.

Piemonte said he pumped his fist and stage-whispered “Yes” at each of the not guilty verdicts. He said he didn’t think that had anything to do with what happened in the hallway between the two families.

Peterson remains in custody despite the acquittal. He’s facing a parole violation for violating curfew by being out so late the morning of the shooting. He is on parole for a drug conviction.

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[tonyb](#) February 12, 2011 at 6:20AM

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Good ole Fitzy still thinks he had a case. Didn't another story say he was sunning himself out in Hawaii while this was in court. He would have stayed in the Cuse and tried it himself if he thought it was a sure winner. Wouldn't want to miss those TV Cameras. Just remember that our over paid DA at \$160,000. a year said he would have gotten a conviction in the Jon Benet Ramsey case if he were DA in Boulder Colorado. Didn't say who he would have convicted, didn't say he had any evidence, but would have convicted someone. If you have money to waste on cases like this, then the County Legislature should cut his budget. Of course, Fitzy wants to keep his travel expenditures secret because the big bad criminals might take advantage of him being out of town. How about

someone stepping up and running against this joker the next time around and let himself sun himself permanently in Hawaii.

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[4ENTERTAINMENTPURPOSESONLY](#) February 12, 2011 at 7:37AM

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This case is Fitzzy's contribution to Black History Month....

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[cuse2323](#) February 12, 2011 at 6:51AM

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If you attempt to rob somebody with a gun at 4 am, then they take the gun from you - expect to be shot and possibly killed.

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[suedog](#) February 12, 2011 at 6:52AM

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I think the prosecution did not do a good job

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[cdfc](#) February 12, 2011 at 7:18AM

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The jurors won't talk because they know they were not correct

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[eatomus](#) February 12, 2011 at 8:10AM

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Only a yellow coward shoots an incapacitated, prone, disarmed person in the back of the head.

A better example of cowardly prison thug mentality you could not have.

Anyone who deals lbs of cocaine in this day has plenty of blood on their hands already.

What you need to ask is what do both of these drug dealing punks have in common that

Bean would be waiting patiently for Peterson for a meeting at 4:00 AM ?

Nothing wrong with shooting someone straight up coming at you to do harm.

But that is where a conscience takes over, taking for granted that there is a conscience present.

Only a prison trained drug dealing yellow snake operating without a discernable conscience shoots a

disarmed, prone, incapacitated person in the back of the head.

That the jury can believe that someone gets shot in the back of the head as the result of a "struggle"

tells just how slow-witted, and not to bright they are.

Never in the history of this world has anyone been shot this way.

And you can't name one instance of this ever happening.

This jury does not have enough sense to know what causes yellow snow.

When the rest of Peterson's like-minded collective catch up with him the blood that will be spilled will be

on this jury's hands.

jury's hands.

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[savageactor7](#) February 12, 2011 at 8:11AM

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A couple of things, first it may be a little too early soliciting juror opinions in light of the courtroom melee after the verdict.

Also this weak case should have never gone to trial.

The government is trying to force Mr Peterson to offer of some 'creative testimony' on an unrelated charge. When he refused they threw the trial at him...

...now they're threatening him with a parole violation and sending him off to a place where his life will be in danger.

For a malicious prosecution like this some kind of citizens committee with supenia power should be empaneled to investigate any abuse of the law.

In absence of that he should be released immediately...

...for a 'not guilty' verdict trumps any BS curfew violation.

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[The Post-Standard](#) February 12, 2011 at 8:14AM

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<http://www.syracuse.com/useragreement/>

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