



# Judge Rules That Penny Trial Will Proceed, Rejects Motion to Dismiss Charges

Daniel Penny will stand trial for second-degree manslaughter and criminally negligent homicide for saving subway riders from a homicidal maniac about to go on a rampage.

A judge in Manhattan rejected Penny's motion to dismiss the charges [filed by](#) Democrat prosecutor Alvin Bragg, one of the many prosecutors [backed by](#) Hungarian communist billionaire George Soros.

Clear evidence and eyewitness testimony demonstrated that Penny was defending fellow straphangers, but the [anarcho-tyranny's](#) legal lynching had to proceed.



AP Images  
Daniel Penny

## Motion to Dismiss

The legal trouble for Penny began when raging maniac Jordan Neely began threatening subway riders. Penny put the subway thug in a chokehold, and Neely passed out and eventually died.

Bragg still moved to persecute Penny despite the circumstances. One of his prosecutors confessed that witnesses "observed Mr. Neely ... making threats and scaring passengers."

Nor did Bragg care that Neely was a violent maniac. He was bound to murder someone.

As media reports explained, cops had arrested Neely 42 times for such crimes as disorderly conduct and fare-beating. They also collared him on drug charges. Two years ago, he beat the tar out of a 67-year-old woman in the East Village. She suffered a broken nose and fractured orbital bone.

At the time, [Penny explained](#) why he jumped into action. Penny "looked around and saw women and children," he said. "He was yelling in their faces, saying, saying these threats. I couldn't just sit still."

"Some people say I was trying to choke him to death, which is also not true," Penny continued:

I was trying to restrain him. You can see in the video there's a clear rise and fall of his chest, indicating that he's breathing. I'm trying to restrain him from being able to carry out the threats.

And then some people say that this was about race, which is absolutely ridiculous. I didn't see a black man threatening passengers. I saw a man threatening passengers, a lot of whom were people of color.

Penny said that he merely tried to restrain Neely, and "you could see in the video there's a clear rise and fall of his chest, indicating that he was still breathing. And I'm calibrating my grip based on the force that he's exerting.... I was trying to keep him on the ground until the police came":



Written by [R. Cort Kirkwood](#) on January 17, 2024

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I was praying that the police would come and take this situation over. I didn't want to be put in that situation but I couldn't just sit still and let him carry out these threats.

No matter. Penny, who is white, had to pay. And so Bragg charged him.

Citing grand jury testimony, [Penny's attorney detailed](#) the straphanger's terror.

"Witnesses describe him taking on a fighting stance while shouting threats such as: 'someone is going to die today,'" the motion argues. Neely said he "would kill anyone" and "take a bullet," that he was "ready to go to Rikers" and "ready to do life."

As well:

The Grand Jury witnesses told of their fear upon observing Mr. Neely's conduct. Neely's words [were] "insanely threatening," delivered with an affect [a] witness characterized as "sickening" and "satanic"... [One believed] he "was going to die" as Neely began approaching him. He described the moment as "absolutely traumatizing," beyond anything he had ever experienced in six years riding the subway [Another witness] was taking her son to his therapy appointment. She recounted Neely saying: "I want to hurt people. I want to go to Rikers. I want to go to prison," and her unnerved son asking her, "Mommy, why does he want to go to prison"... Mother and son took cover behind her son's stroller, shielding themselves from Neely, who was now making "half-lunge movements" and coming within a "half a foot of people"... [A] student commuting from her high school, recalled the moment she heard Neely say "someone is going to die today." She put her hand on her classmate's ... chest and began "praying them [sic] doors would open" so she could leave.... [A] retiree who rode the subway daily during her 30-year career ... described her reaction to Neely's words and demeanor as follows: "I have been riding the subway for many years. I have encountered many things, but nothing that put fear into me like that."

The motion also argued that the medical examiner never said that Penny's chokehold killed Neely, and that the prosecutors' own expert witness, a Marine sergeant who trains men to use the restraint, testified that it wasn't lethal. The motion also recounted that Penny told detective exactly what he tried to do: restrain Neely and save lives.

Nonetheless, the grand jury, in all its majesty, indicted Penny in June.

Upshot: Penny did nothing wrong, but might land in prison.

### **No Dismissal**

Just as Penny's innocence didn't matter to Soros henchman Bragg, it didn't matter to the judge. He said the medical examiner offered enough evidence to "establish that defendant's actions caused the death of Neely."

Protesters awaited Penny's departure from the courtroom, the [New York Post reported](#):

"We're gonna' get your a\*\*, cracker!" one man screamed through a megaphone as he bounded around the car. "Daniel Penny is a murderer! He's a murderer! You a murderer!"



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“There’s a murderer in this car! He choked out a New Yorker!” the man continued, as the NYPD tried to clear him away and let the SUV through.



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