



Written by [Bob Adelman](#) on June 29, 2023

NYC Subway Hero Pleads Not Guilty at Arraignment

Daniel Penny, the former Marine and subway hero, [was arraigned on Wednesday](#) in a brief legal step toward a full jury trial. He pleaded not guilty to the two charges the grand jury brought against him: second-degree manslaughter and criminally negligent homicide.

Second-degree manslaughter is the killing of another human being without the intent of doing so, and is often referred to as involuntary manslaughter. New York law defines second-degree manslaughter as “a death that occurs without intent to cause serious physical injury, but where reckless conduct by the defendant resulted in death.”



AP Images
Daniel Penny

Criminally negligent homicide is a charge against a defendant who causes the death of another human being through criminally negligent acts (or omissions).

If found guilty of both charges, Penny faces up to 19 years in jail —
For defending himself and others against a raving maniac.

Penny presented his case in a video, which contained these excerpts:

The man [Jordan Neely] stumbled on [to the subway car], he appeared to be on drugs, the doors closed, and he ripped his jacket off and threw it at the people sitting down to my left. I was listening to music at the time ... so I took my headphones out to hear what he was yelling.

The three main threats that he repeated over and over was, “I’m going to kill you,” “I’m prepared to go to jail for life,” and, “I’m willing to die.” ...

I looked around and saw women and children. He was yelling in their faces saying, saying these threats. I couldn’t just sit still....

I knew I had to act, and I acted in a way that would protect the other passengers, protect myself, and protect Mr. Neely.

I used this hold to restrain him, and I did this by leaving my hand on top of his head to control his body. You could see in the video [taken by a passenger] 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.

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.



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Penny has at least two lawyers on his defense team, Thomas Kenniff and Steven Raiser. Their legal fees are being covered by gifts from nearly 60,000 people who see the political injustice in this charade and have given Penny's GiveSendGo fundraising account nearly \$3 million.

Following the arraignment, Kenniff [told reporters](#) that the evidence shows that "our client acted reasonably under the circumstances and he was justified in the actions he took, however unfortunate the consequences."

[Raiser said](#) that it's not just Penny who is on trial:

All the evidence is that, we've seen, our client acted reasonably under the circumstances and that he was justified in the actions he took.

On May 1, 2023, Daniel Penny defended his fellow travelers. Now, it's our turn to defend Danny.

Daniel won't be the only one on trial. The right and duty to defend one another will be on trial, too. Our legal team is prepared to fight for Danny and for every New Yorker to defend themselves when faced with great harm.

Given a fair trial, Penny should walk. A fair trial would include a dozen of Penny's peers, many of whom ride the NYC subway frequently, if not daily, and know whereof Penny speaks.

Said Raiser:

They understand what it's like to be on a subway, what it's like to be confined underground, what it's like to not be able to leave when faced with a threat.

So it is a very positive thing that we're able to go to the people here in Manhattan and ask them to render a verdict on this case because they understand what it's like to be in the situation that Daniel was in....

Penny, age 24, remains free after posting a \$100,000 bond and giving up his passport. He continues with his schooling and is "staying close with his family," according to his attorney. His next court appearance is scheduled for October 25.



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