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News

## Family of dead RPI student wins lawsuit against Troy

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By Dave Canfield  
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TROY — The family of a Rensselaer Polytechnic Institute student found dead in his apartment in 2008 has won a lawsuit against Troy and now awaits the release of long-sought police documents surrounding the investigation.

Grace Lynch, the mother of John F. Curry, brought a lawsuit against Troy last year after the city refused to release records of the investigation that began after Curry was found shot in the head on Dec. 16, 2008.

In late June, Supreme Court Justice Michael Lynch shot down the city's contention that all the records were exempt from the Freedom of Information Law because the case was still open.

The judge ordered the documents be turned over to him for inspection to determine which must legally be provided under the law.

The judge is doing that now, said Timothy Smith, a lawyer hired by Grace Lynch.

"That was the best case scenario for us. We know he wasn't going to give us unfettered access," he said.

Smith, based in Curry's native New Jersey, had argued that Troy Police had ruled the case a suicide — which they indicated to the family — and abandoned their investigation. As such, he argued, the city's argument that the documents could not be released because the matter was still under investigation was not legitimate.

Chief John Tedesco said the department complied with the order of the court. The investigation cannot be closed, he said, because of the disagreement between detectives and Medical Examiner Michael Sikirica, who performed the autopsy.

"He continues to rule it a homicide, whereas our investigation shows it was a suicide," Tedesco said.

Curry's family has said they do not believe the student killed himself. Private investigators they hired determined that police jumped too quickly to a finding of suicide and ignored other evidence at the scene in the basement apartment of 2379 Fifth Ave.

Curry was found by an officer who visited the apartment at the request of Curry's family. He lay on the floor with a backpack on his back; an open cell phone and a handgun that belonged to him were on the floor nearby.

Smith said the family is anxious to receive Curry's personal items, which have been held by police since the incident.

"We've had to fight them every step of the way," he said.

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