

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 31

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THE PEOPLE OF THE STATE OF NEW YORK

against

Ind. No. 746/2020
Decision and Order

TRACY McCARTER,

Defendant.

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DIANE KIESEL, J.

The defendant is charged with murder in the second degree following the stabbing death of her husband. The District Attorney of New York County has filed a “recommendation of dismissal” of the indictment and the defendant joins in that application. It is opposed by family members of the deceased.

Factual background.

On March 2, 2020, at 9:08 p.m. members of the New York Police Department responded to a radio run of an assault with a knife at 646 Amsterdam Avenue, Apt. 2C, in New York County. A neighbor had heard the defendant yelling, “Get the fuck out. Get out, get out. Don’t ever come back here again,” and later, “Don’t take my purse, give me my purse, don’t leave with my bag.” “I have a knife,” and finally, “What did you do? Somebody help me.”¹ When they entered the apartment, the police found a man lying face-up on the floor bleeding heavily from his neck. The defendant, who happens to be a nurse, was holding a towel on one of his wounds, attempting to stop the bleeding. More law enforcement officers arrived, followed by Emergency Medical Technicians. The officers inspected the apartment and ascertained that no other civilian was there except the defendant and the gravely injured man who was identified as the defendant’s husband, James Murray. The defendant admitted to her neighbor, “I stabbed him.”² She made no mention to the neighbor or to the police that the deceased fell on the knife or that he strangled her.

The defendant was arrested at the scene and transported to the 24th Precinct for arrest processing. A silver kitchen knife was recovered from an area where the victim and the defendant had been in the apartment. Although the defendant had no visible injuries, she complained of an inability to walk, and said that she had been unconscious for a second or two during the altercation with her husband. Because of those complaints, the defendant was taken to a hospital for evaluation and possible treatment. Mr. Murray died at St. Luke’s Hospital at 9:43 p.m. that same night. His autopsy revealed that his blood alcohol level was .15%, and he suffered a stab wound to his upper right chest, which angled right to left at a 45-degree downward angle, piercing his

¹ Defendant’s affirmation, Aug 8, 2022, exhibit 25, Grand Jury tr at 5, lines 15-16; tr at 6 lines 5-6, 15.

² *Id.* at 8, line 16.