



Kimberly Ballinger and daughter Akaila (inset as a baby with dad Akai Gurley) place flowers on Gurley's unmarked grave in New Jersey cemetery Wednesday. Nearly a year has passed since he was killed in a tragic error by a cop in stairwell of Brooklyn housing project. (News cover).



EXCLUSIVE

BY JOHN MARZULLI
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"HAPPY BIRTHDAY, Daddy. I love you and I miss you."

That was the heartbreaking message Akai Gurley's 3-year-old daughter had for her dad Wednesday, as she and her mom visited his still-unmarked grave at a New Jersey cemetery.

The somber visit by Kimberly Ballinger and little Akaila Gurley came one day before what would have been Gurley's 29th birthday.

Ballinger said she can't believe nearly one year has passed since they happily marked his last birthday feasting on seafood at a Red Lobster in Brooklyn.

Eight days later, Gurley was dead — the unarmed man cut down by a police bullet in the stairwell of the Pink Houses.

"It makes me sad and depressed that he's not here and celebrating with us," Ballinger said. "It reopens the wounds."

Ballinger and Akaila traveled to Linden, N.J., trudging through a muddy field to pay their respects at the grave for the first time since Gurley's funeral. They were looking for Plot 65-D-2.

"She (Akaila) knows she was going to visit her dad, but she knows she is not going to see him," Ballinger, 28, said.

Ballinger was shocked to learn there was no headstone. The City of New York paid for the funeral and the bill sent to City Hall included a headstone, Ballinger

B'day love for slain pa

Kin of cop-shoot vic mark year of sadness

said. The mother and daughter placed roses on the site and a Harvard baseball cap from Gurley's collection of hats.

Akaila's birthday gift to her daddy was a Teddy bear.

"It's very difficult," Ballinger said. "She knows how he died."

Officer Peter Liang, the NYPD rook-

Rookie NYPD Officer Peter Liang will stand trial for manslaughter in the death.

ie cop who shot Gurley, will stand trial for manslaughter in January. Liang has claimed he fired his service weapon accidentally. Gurley was walking in the dimly lit stairwell one floor below and was struck in the chest by a ricocheted bullet.

It is against NYPD policy for an officer to have his or her finger on the trigger of a firearm when there is no threat.

"Due to the reckless actions of Police Officer Liang, the family of Akai Gurley is honoring the first anniversary of his death," said their lawyer

Scott Rynecki, who has filed a lawsuit against the city, Liang and his partner Shaun Landau, and the New York City Housing Authority.

The city Law Department has declined to represent either cop in the civil suit.

There will be a candlelight vigil at the Pink Houses where Gurley died at 6:30 p.m., Nov. 20.

Police Commissioner Bill Bratton has called the shooting "an accident," and said Gurley was a "total innocent" who was "not engaged in any criminal activity of any type."

Rynecki said he will look into why a headstone has not been installed on Gurley's grave.



PHOTOS BY BRYAN PAGE; KEVIN C. DOWNS; JESSE WARD