

## Forum:[Hack Forums](#)

Thread: [Dead victim spoke in AI video gave victim impact statement sentence was invalidated](#)

**The Pact** - October 12, 2026, 12:35 am

Sentence tossed in US case where deceased victim spoke in AI video.

The family of a road rage victim used AI to let the victim himself give an impact statement in a deep fake video. Unfortunately the AI also just invented a bunch of stuff that didn't even happen. The perpetrator had honked at the victim repeatedly and when the victim got out of the car and tried to talk to him the perp shot and killed him.

But now the Arizona perpetrator's 10-year manslaughter sentence has been thrown out after an extraordinary twist: the judge was shown a deepfake-style AI video of the dead victim speaking from beyond the grave.

The Arizona Court of Appeals ruled that Gabriel Paul Horcasitas must be resentenced for the 2021 killing of Christopher Pelkey because the AI-generated "testimony" was so unreliable it contaminated the sentencing.

The judges said the video crossed a bright legal line it invented events, invented thoughts, and presented them as if Pelkey himself had delivered them to the court.

"Rather than documenting an event or recording a particular moment," the panel wrote, "the AI video presents a depiction of the victim and his thoughts created from the imaginings of the victim's sister."

Both victim advocate Jessica Gattuso and defence attorney Kristen Reller declined to comment, though Reller had already argued that Judge Lang violated due-process protections by relying on AI content.

Prosecutors and Gattuso insisted the judge did nothing wrong, claiming the footage accurately reflected Pelkey's character.

In what appears to be a first in American legal history, the victim's family used AI to resurrect his likeness so he could "address" the court.

His sister, Stacey Wales, said she only wanted to humanise her brother after struggling to imagine what he would have said.

She expected an appeal, but not one triggered by the AI video itself. "It feels unfair," she said. "There is a convicted murderer sitting in prison with blankets and walls of protection around their rights. Where are the rights for the victim?"

"We will continue to let his voice be heard in whatever allowable medium we can," Wales said. A victims' rights lawyer has since warned the family that using AI again could spark yet another appeal.

The AI-generated statement was played at the May 2025 sentencing after nine family members and friends described the devastation Pelkey's death caused. Authorities say Horcasitas, 55, shot Pelkey, 37, during a road-rage confrontation at a Chandler stoplight. Pelkey, unarmed, was killed after stepping out of his truck and approaching Horcasitas' vehicle. Another shot struck a nearby car.

The AI version of Pelkey expressed longing for his family, preached forgiveness, and even suggested that "in another life, we probably could have been friends." It didn't request a specific sentence.

Horcasitas' appellate lawyer argued her client had no meaningful way to rebut fabricated material. It's unclear whether anyone in the courtroom knew beforehand that the family planned to use AI.

Pelkey's family argued that Arizona law doesn't require victims to disclose their statements—written, audio, or video, before presenting them.

The Maricopa County Attorney's Office said prosecutors knew the family would speak but had no idea what form that would take.

AI is increasingly used in courts for administrative tasks, research, and public information. But \*\*using AI to generate a victim's "voice" marks a new and now legally fraught frontier.

Reller told the appeals court the video didn't reveal who wrote the words fed into the AI, nor did it offer evidence that the sentiments reflected Pelkey's actual views. She said it carried "undue emotional weight" and a false sense of authenticity that a human reader could never produce.

Horcasitas' lawyer argued the judge relied on the AI video; prosecutors insisted he didn't. Moments before sentencing, Judge Lang remarked that he "loved that AI," but never clarified whether it influenced his decision.

The original confrontation between Gabriel Paul Horcasitas and Christopher Pelkey occurred on November 13, 2021, at a traffic intersection in Chandler, Arizona.

Gabriel Horcasitas (then 50 years old) was driving and stopped behind 37-year-old Christopher Pelkey's truck at a red light near the intersection of Gilbert and Germann roads. According to court records, Horcasitas repeatedly honked his horn at Pelkey's vehicle.

Pelkey the victim, who was an unarmed U.S. Army veteran, got out of his truck and walked back toward Horcasitas's vehicle.

Horcasitas later told Chandler police investigators that Pelkey charged at him aggressively, and aggressively grabbed the frame of his open driver's-side window, causing him to fire out of fear for his own safety.

Bystander Danger: During the gunfire, at least one stray bullet struck a completely unrelated third vehicle passing through the intersection. Pelkey was fatally wounded and died from his injuries.

Horcasitas was ultimately arrested and charged by Maricopa County prosecutors. The legal process was protracted, spanning two full trials and an earlier appeal before arriving at a final verdict.

A jury rejected Horcasitas's self-defense argument, finding him guilty of manslaughter for killing Pelkey, as well as endangerment for the stray bullet that hit the bystander's car. His criminal

conviction for manslaughter remains fully intact and valid; the appellate court only invalidated how the length of his prison term was decided.

The Arizona Court of Appeals concluded Gabriel Paul Horcasitas must be resentenced in the 2021 shooting death of Christopher Pelkey because the AI video wasn't reliable.

<https://www.bbc.com/news/articles/cwgkvgyg5nzvo>