STOLEN TIME

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How Seven New York Inmates Proved Their Innocence After Conviction

Gregory Salmon

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Criminal Appeals Advocates (CAA), P.C.
14 Wall Street, 20th Floor
New York, NY 10005

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Introduction

In 2025, seven people were exonerated of crimes in the state of New York. Some had been convicted at trial. Others had pleaded guilty to offenses they did not commit. Some had spent decades behind bars. One had been deported to a country he barely remembered. Their cases spanned decades of New York criminal history, from crimes committed in the early 1980s through the mid-1990s, and their exonerations arrived in courtrooms from Manhattan to Buffalo to Staten Island. Seven times, the legal system acknowledged that it had punished the wrong person. This book tells their stories.

The people in these pages are not abstractions. They are men who were seventeen, eighteen, twenty, thirty years old when the machinery of prosecution locked onto them and would not let go. They were teenagers interrogated without lawyers or parents in the room. They were young men shown to witnesses under conditions designed to produce identifications rather than test them. They were defendants standing before judges who made clear, on the record, what would happen if they rejected a plea and lost at trial. Some fought. Some folded. All of them lost years that cannot be returned.

The causes of wrongful conviction in New York are not mysteries. They are known, studied, documented, and exposed in case after case. They repeat because the system that produces them has been slow to change, and because the people who suffer the consequences are, overwhelmingly, people the system was never designed to protect.

False confessions run through these cases like a fault line. A seventeen-year-old in Harlem, handcuffed and isolated, told by detectives that witnesses and evidence had already sealed his fate, signed statements describing a murder he knew nothing about. His co-defendant, also seventeen, watched a videotaped excerpt of that false confession and, trying to shift blame away from himself, placed himself at a crime scene he had never visited, not understanding that the simple act of putting himself inside the room made him guilty of felony murder under New York law. On Long Island, another young man was kept handcuffed to a bench for eighteen hours, denied food, water, and sleep, while detectives fed him details of a shooting and told him that cooperating would keep him out of serious trouble. He signed. He recanted immediately. The recantation did not matter. In each of these cases, the confession was the centerpiece of the prosecution, and in each case, the confession was a fabrication assembled from fragments of information that the interrogators themselves supplied. The suspects repeated back what they had been told, not what they had seen, because they had seen nothing.

The hiding of evidence is the second constant. The Supreme Court held in 1963 that prosecutors must turn over evidence favorable to the defense. That obligation, established in Brady v. Maryland, is not a suggestion. It is a constitutional command. And

yet, in case after case in this book, exculpatory material sat in police files and prosecution folders, unseen by the defense attorneys who needed it most. Witness statements that destroyed the timeline of a confession. A crime laboratory report that contradicted a detective's testimony about a boot print. A handwritten note from a prosecutor memorializing the fact that the father of the victim's husband could not identify the single piece of physical evidence that the prosecution referenced fifteen times in closing argument. An informant's detailed account of a robbery crew that did not include the man who had been charged. A witness who told detectives that the defendant was not the person she saw, only for a detective to testify under oath that no witness had excluded anyone. These were not close calls. They were failures so fundamental that they deprived the accused of the ability to defend themselves.

Forensic evidence, or its misuse, appears in case after case. A detective with no specialized training testified that a bloody boot print "matched" a defendant's shoes. The police crime laboratory's own report said the impressions were too partial for any comparison. The jury heard the detective. It never heard about the lab report. In another case, a single coin, one of millions minted in 1921 and still circulating in the millions, was presented to the jury as though it were a rare artifact traceable to a single household. An officer called it "few and far between." A coin expert would later say that identification was impossible and that showing a witness one coin, rather than an array, was as suggestive as showing a witness a single photograph of a suspect.

The guilty plea is a quieter form of destruction, but it runs through these cases with devastating frequency. More than ninety percent of criminal convictions in the United States are obtained through guilty pleas, not trials. The reasons are structural. A defendant who rejects a plea offer and goes to trial faces what researchers call the trial penalty: the gap between the sentence offered in exchange for a guilty plea and the far harsher sentence imposed after a conviction at trial. When that gap is measured in decades, even an innocent person may conclude that the rational choice is to say the words the system demands. One man in this book watched his co-defendant go to trial, assert his innocence, and receive twenty-five years to life. A week later, he pleaded guilty and received twenty years to life. Another was told by his own attorney that going to trial would be "suicide," that conviction was almost certain and a life sentence would follow. He pleaded guilty to manslaughter at eighteen. A third, cycling through his third lawyer with his family's savings exhausted, faced a possible fifty-year sentence if convicted. He took a deal for four to twelve years. Each of these men said, under oath, that he committed a crime he did not commit. Each of them did it because the system made fighting more expensive than surrendering.

What the guilty plea takes, it does not easily give back. Overturning a plea is substantially harder than overturning a trial conviction, because the defendant has waived the procedural rights that a post-conviction attorney would need to mount a challenge. The legal system treats a guilty plea as an admission, freely given, and courts are reluctant to undo it. For the innocent person who pleaded guilty out of fear or rational self-preservation, the path back is narrow.

The racial dimensions of these failures cannot be set aside. The Brooklyn District Attorney's Conviction Review Unit has vacated more than forty convictions since 2014. Forty of those forty-one exonerees were people of color. In Manhattan, all thirteen convictions vacated by the Post-Conviction Justice Unit since 2022 have involved minority men. These numbers are not coincidental. The coercive interrogation tactics, the willingness to withhold evidence, the reliance on dubious forensic claims, the suggestive identification procedures: these practices fall disproportionately on Black and Hispanic defendants, in neighborhoods where the distance between a teenager and a detective in an interrogation room is as vast as it gets. One of the men profiled in this book, convicted on the testimony of two unreliable witnesses while fifteen people said he was innocent, was deported to Guyana after serving his sentence. He had come to the United States at age eleven. His mother died while he was incarcerated. His father died after his deportation. He attended his own exoneration hearing by video, from another country, because the nation that convicted him and expelled him would not let him back in.

The stories in this book were made possible by people and institutions that did not exist, or barely existed, when the original convictions were obtained. Conviction review units inside prosecutors' offices, the Innocence Project and organizations like it, pro bono legal teams from major law firms, advances in DNA technology that can now test biological samples collected decades ago: these forces have created a pathway to correction that was simply unavailable to most wrongly convicted people a generation ago. But the pathway is slow, underfunded, and dependent on the willingness of prosecutors to confront their own offices' failures.

In one case profiled here, two assistant district attorneys spent four months reinvestigating a conviction and concluded that the defendants were innocent and that the lead detective had coerced witnesses. Their boss, the elected district attorney, suppressed their findings, demoted one of them, and transferred the other off the case. The structural tension between a conviction review unit and the office that houses it is not theoretical. It plays out in individual lives.

This book exists for two audiences. The first is the person sitting in a New York prison right now, reading these words, who knows he is innocent, or who has questions about the integrity of the process that put him there. These stories are proof that the system can be challenged, that convictions built on false confessions and hidden evidence and coerced testimony do fall apart when the right people push hard enough and long enough. They are also proof that the process is agonizing, that it takes years and sometimes decades, and that it requires persistence beyond what any person should be asked to give. But these men persisted. And the system, eventually, answered.

The second audience is the newer lawyer, early in a career in criminal defense or post-conviction work, who will be asked to represent the people the system has failed. The cases in this book are not legal theory. They are a catalogue of the specific ways the criminal justice system breaks down: the interrogation tactics that produce false statements, the forensic testimony that sounds definitive but is not, the deals that trade silence for leniency, the evidence that sits in a file drawer while a man serves thirty years. Understanding these mechanisms is not academic. It is the foundation of the work.

The seven stories that follow are told in full, from the crime through the conviction through the long road to exoneration. They are stories of police officers who lied, prosecutors who hid evidence, defense attorneys who failed their clients, and judges who let it happen. They are also stories of lawyers who took cases for free, investigators who tracked down witnesses decades later, prosecutors who reopened their own offices' files and followed the evidence wherever it led, and exonerees who refused to stop saying the truth even when no one was listening.

None of these stories end cleanly. The crimes at their centers remain, in most cases, unsolved. The actual perpetrators were never found. The victims' families were denied the justice they deserved, first by the crime and then by the investigation that followed the wrong trail. The exonerees walk out of courtrooms into lives that have been hollowed out by decades of incarceration, deportation, broken families, and lost time. Exoneration is not restoration. It is the belated acknowledgment of a catastrophe.

Seven exonerations in a single year, in a single state. All of them are here. Read them carefully. The next one may depend on someone who does.

Chapter 1: The Boot Print That Didn't Match

At about 3:30 in the afternoon on February 8, 1994, an electrician working on a renovation project inside a building on West 138th Street in upper Manhattan made a discovery that would set in motion three decades of injustice. The building was undergoing construction, and workers had been using the second-floor apartment of 85-year-old James Reid to store equipment. When the electrician entered, he found Reid lying face up on the floor in a pair of striped pajamas. A telephone cord was draped across his face and neck. A pair of men's underwear had been stuffed into his mouth and tied around the back of his head.

Officers with the New York Police Department and paramedics arrived at the scene. There was nothing they could do for Reid. The next day, a pathologist with the New York City Office of the Chief Medical Examiner performed an autopsy. The underwear, the pathologist determined, had completely blocked the opening of Reid's mouth. An abrasion on his neck was consistent with the telephone cord. The cause of death was asphyxia due to gagging and strangulation. During the autopsy, the pathologist scraped material from underneath Reid's fingernails, collecting biological

samples that would sit untested for nearly three decades. A bloody boot print was also documented inside the apartment. Whoever had killed Reid, and for whatever reason, had left behind the barest threads of physical evidence. No one yet knew how important those threads would become, or how long it would take for anyone to pull them.

Detective William Spurling and other officers canvassed the building in the days that followed, looking for leads. On February 11, 1994, three days after Reid's body was found, Spurling interviewed Russell Boles and his son Brian, who lived on the fifth floor of the same building. Brian Boles was seventeen years old. He told Spurling that he did not know Reid very well and had never been inside his apartment. At the time, Brian's friend, seventeen-year-old Charles Collins, was also staying with the Boles family. The interview produced nothing of investigative value, and for the moment, the case went cold.

Two days later, on February 13, police arrested Brian Boles after a fight with his father. During the booking process at the 32nd Precinct, officers again asked him about his whereabouts on February 7 and 8. Boles told them he had been with Collins and two teenage girls, and that they had spent most of the time at his father's apartment. He repeated what he had said before: he knew Reid only well enough to say hello, though his father had told him that Reid had been strangled. Officers released Boles after he signed a written statement. Nothing in his account connected him to the murder.

Then came the Meeks robbery.

On February 19, 1994, about eleven days after Reid's body was discovered, eighty-year-old Burnell Meeks was assaulted and robbed in his apartment on 135th Street, a few blocks from the crime scene on 138th. Boles had known Meeks for several years and considered him something akin to a godfather. He had occasionally helped the older man with chores and errands in exchange for money and permission to hang out at Meeks's apartment with his friends. On March 10, police arrested Boles in connection with the Meeks robbery. He was brought to the precinct and placed in the custody of Detective Martin Davin.

What Boles told Davin about Meeks was, by all accounts, consistent: he and Collins had gone to Meeks's apartment to run an errand, but this time Meeks demanded oral sex from Boles as repayment for all that Meeks said he had done for the teenager over the years. Boles said Meeks had disrespected and betrayed him, and that he and Collins returned to the apartment, struck the elderly man, and took cash from his wallet. It was an admission of robbery, freely given. But Davin was not content with an admission to robbery alone.

Davin was not the detective assigned to the Reid homicide. But he had read the file on the unsolved murder. Both victims were elderly men who lived in the same neighborhood. Both had apparently been attacked for money. With Boles sitting handcuffed in the precinct, Davin saw an opportunity. At about 12:45 p.m., he shifted the interrogation away from the Meeks case and began questioning Boles about the murder of James Reid.

What happened next in that interrogation room is a study in how innocent people come to confess to crimes they did not commit. The phenomenon of false confessions is one of the most

counterintuitive realities of the criminal justice system. To anyone who has never been subjected to hours of high-pressure police questioning, the idea that a person would confess to a murder they did not commit seems nearly impossible. Why would anyone do that? The answer, established by decades of research and hundreds of documented wrongful convictions, is that certain interrogation techniques are so psychologically powerful that they can break down the resistance of even factually innocent people. The risk is dramatically higher for young suspects, for those with limited education, for those with histories of trauma, and for those who are isolated from family, legal counsel, or any outside support. Nearly one-third of wrongful convictions overturned by DNA evidence have involved false confessions, and roughly one-third of those false confessors were eighteen or younger at the time. Brian Boles was seventeen, handcuffed, without a lawyer, and without a parent in the room.

Davin told Boles that he knew Boles and Collins had committed the murder. This was a lie. Davin then told Boles that an eyewitness had seen him in front of Reid's apartment on the day of the killing. This, too, was a lie. No such witness existed. Davin told Boles that the police already knew he and Collins had done it. Another lie. These deceptive tactics are not unusual in American interrogation rooms. Courts have generally permitted police to lie to suspects during questioning, even though research has shown that such deception is one of the primary catalysts for false confessions. When a suspect is told that the evidence against him is overwhelming, that witnesses have identified him, that his co-defendant has already given him up, the psychological calculus shifts. The question in the suspect's mind is no longer whether the

police will believe him if he maintains his innocence. The question becomes how to minimize the damage, how to get out of the room, how to make the pressure stop.

A short while after Davin began his deceptive questioning, according to Davin's own account, Boles confessed his involvement in the Reid murder. He said he had knocked on Reid's door to get the old man to open it, but it was Collins who went inside and committed the crime. Davin did not take any notes of this statement. He did not write it down. He was not the detective assigned to the case, he later explained, and so he simply did not record what the teenager said.

At 3:15 p.m., Davin was joined by Spurling, the detective who had originally canvassed the building. Together, they interviewed Boles again. This time, Spurling wrote out a statement for Boles to sign. In this version, Boles said that he and Collins had planned to rob Reid because they thought he would be an easy target. Boles said he knocked on the door, but Collins kicked it in and ran inside. By the time Boles entered the apartment, according to the statement, Reid was unconscious and bleeding from the nose and mouth. Boles said he told Collins to gag Reid. The statement did not describe how Reid was gagged. Critically, the statement placed the attack between noon and 1 p.m. on February 7, 1994. That detail would later prove to be the confession's undoing, but at the time, no one on the defense side had the information to challenge it.

After Boles signed the 3:15 p.m. statement, Spurling added a sentence stating that Boles had seen Reid wearing striped pajamas when he opened the door. Boles never signed that addendum. Spurling later testified that a prosecutor told him the next morning to note the approximate time of the addition.

The interrogation was not over. Police arrested Collins at his mother's home in Brooklyn at about 10:30 p.m. on March 10. Collins initially believed the arrest was based on a bench warrant from Westchester County, unrelated to anything that had happened on 138th Street. He arrived at the 32nd Precinct at about 12:30 a.m., and detectives began questioning him about the Reid murder. They also took his Timberland boots into evidence because of the bloody boot print found in Reid's apartment. Collins denied any involvement in Reid's death.

At 2:15 a.m. on March 11, the detectives returned to the interrogation room where Boles was being held. By this point, Boles had been in police custody for well over twelve hours. Spurling falsely told him that Collins had confessed and said that Boles was the one who killed Reid. This was another lie. Collins had denied everything. But the lie worked. Boles signed yet another statement, again written by Spurling, that placed himself inside Reid's apartment during the attack. This version said Collins hit Reid in the face and that Boles stole money from Reid's wallet. Boles said Collins gagged Reid with a torn shirt. He repeated his assertion that the crime occurred at about noon or 1 p.m.

At 9:20 a.m. on March 11, detectives recorded a videotaped statement from Boles. In it, he said that he and Collins pushed in Reid's front door, Collins hit Reid several times and gagged him

with a T-shirt, and Collins grabbed Reid's wallet and removed the cash. After they left the apartment, Boles said, they bought some marijuana and returned to his apartment, where the two girls were waiting. Each successive version of the story shifted in its details, a hallmark of false confessions in which the suspect, not possessing actual knowledge of the crime, constructs a narrative from whatever information the interrogators provide or suggest. Police feed details; the suspect repeats them back. The result is a statement that appears to contain insider knowledge of the crime but is in reality a reflection of the investigators' own theories.

The detectives then returned to Collins and played him a five-minute excerpt from Boles's videotaped statement. Collins said Boles was lying. But placed in this precarious position, with a video of his friend appearing to implicate him, Collins eventually gave his own videotaped statement at 1:35 p.m. on March 11, confessing his involvement in the murder. Collins said the attack took place a little after 2 p.m. on February 7, a time that differed from Boles's account. He said he gagged Reid with a T-shirt, which was inconsistent with the actual crime scene evidence (the underwear). Collins would later say that investigators fed him information about other details to shore up his account. His case, and the particular cruelties of his path through the system, will be told fully in the next chapter. For now, the critical point is this: by the afternoon of March 11, 1994, two seventeen-year-old boys had each given statements confessing to the murder of James Reid, and neither statement was true.

On March 25, 1994, a grand jury indicted Collins and Boles on charges of second-degree murder and first- and second-degree robbery in the Reid case. The same indictment also charged them

with burglary, robbery, and assault in the Meeks case. Joining the two sets of charges in a single indictment was a strategic choice by the prosecution, and it would prove devastating to the defense. Before trial, attorneys for both Boles and Collins moved to sever the indictments, arguing that the Reid murder and the Meeks robbery were unrelated events. The prosecution opposed severance, contending that both crimes showed similar intent because both victims were elderly men and the motive in both cases was money. The prosecution's framing deliberately rejected Boles's claim that the Meeks robbery was motivated by retaliation for an unwanted sexual advance, not by greed. On July 14, 1994, Justice Herbert Altman of the New York County Supreme Court denied the severance motion, ensuring that the jury in the murder case would also hear about the robbery.

The consequences of that ruling cannot be overstated. With the cases joined, the prosecution could present the Meeks robbery as evidence of a pattern: here were two teenagers who preyed on elderly men for money. The Reid murder and the Meeks robbery would contaminate each other in the minds of the jurors. Whatever doubts a juror might have about the reliability of Boles's confession to murder could be resolved by the knowledge that he had, without question, committed a violent robbery against another elderly man in the same neighborhood.

On March 10 and 14, 1995, Justice Charles Tejada, the trial judge, presided over a suppression hearing. Attorneys for Boles and Collins argued that the statements the young men had made to police should be suppressed as involuntary. Detective Davin

testified. Detective Spurling testified. After hearing their accounts, Justice Tejada ruled the statements admissible. The confessions would go to the jury.

Forensic technicians had examined the physical evidence. They found no fingerprints connecting Collins or Boles to Reid's apartment. They detected no blood on Collins's Timberland boots. The fingernail scrapings collected during Reid's autopsy were never tested. The only physical evidence tying either defendant to the crime scene was the bloody boot print, and its connection to Collins's boots depended entirely on a detective's visual comparison.

Boles's trial began on March 15, 1995. He was tried separately from Collins. In opening statements, the prosecutor told the jury that the motive for both the Reid murder and the Meeks robbery was money. From the outset, the two cases were intertwined.

Burnell Meeks took the stand and identified Boles and Collins as the men who had robbed and beaten him. He denied making any sexual advances toward either defendant. His testimony established Boles as a person who attacked elderly men, which was precisely the narrative the prosecution wanted.

Detective Davin testified about his interrogation of Boles. He acknowledged that he had lied to Boles several times during the questioning. He said, however, that he never threatened or coerced Boles into confessing. Davin explained that he took no notes about the homicide because he was not the detective assigned to that case. The statements Boles had signed, as written out by Spurling, were introduced into evidence, along with the videotaped statement.

Then Spurling took the stand. He testified about the investigation, about how he and Davin had concluded that Boles and Collins were involved in the Reid murder because of its apparent similarities to the Meeks robbery. He described the statements he had written for Boles to sign. And then Spurling offered testimony about the bloody boot print found in Reid's living room that would stand unchallenged for three decades.

Spurling told the jury that he had conducted a visual comparison of the Timberland boots seized from Collins against the bloody boot print from the crime scene. He said that "as far as [he] could tell," the print was a "match" to the soles and heels of the boots. This testimony communicated a clear and damning message to the jury: physical evidence placed Collins at the murder scene, corroborating the confessions. But forensic testimony at trial can be inaccurate, overstated, or flatly contradicted by more rigorous analysis. This is one of the most persistent problems in the American criminal justice system. Forensic disciplines that rely on visual pattern comparison, including boot print analysis, bite mark analysis, and hair comparison, have been shown repeatedly to be far less reliable than the certainty with which analysts present them in court. A witness who says a boot print is a "match" sounds definitive to a jury. But visual comparisons conducted by investigators without specialized forensic training can be deeply misleading, particularly when those investigators already believe they know who committed the crime. In the case of Brian Boles, the truth about the boot print was already sitting in a file that the defense never received.

On February 2, 1995, just weeks before the trial began, the NYPD Crime Laboratory had produced a report analyzing the footwear impressions from the crime scene. The lab's conclusion was that the impressions were too partial for comparison to Collins's boots. The detective had testified to a "match." The lab said no comparison was possible. This report was never disclosed to the defense. Spurling was never asked about it during trial, because neither Boles's attorney nor Collins's attorney knew it existed.

Boles had recanted his confession before trial, telling the court that the statements he gave to police were false. But recantation alone was not enough to keep the confession out of evidence. Brian Boles took the stand in his own defense. He told the jury that his statements to police came after hours of physical and verbal abuse. He said that Detective Davin slapped him in the head and tightened his handcuffs at various points during the interrogation. He tried to explain why he had signed the statements and given the videotaped confession. "Because I was – I was scared and the – abuse that I was getting, I was never in that kind of abuse by an officer before," he testified. "And I just wanted to go home."

His cross-examination by the prosecutor lasted two days. Boles admitted his role in the Meeks robbery but maintained that he was motivated by anger at Meeks for the unwanted sexual advance, not by a desire to rob elderly men for money. The joined indictment meant the jury was hearing about both crimes simultaneously, drawing whatever connections the prosecution invited them to draw.

When the cross-examination finally ended, Justice Tejada turned to Boles's attorney, Stanley Thomas, and asked: "Any redirect?"

Thomas said: "No questions."

The judge appeared surprised. "No questions?" he asked again.

Thomas repeated: "No questions."

After two days of grueling cross-examination, during which the prosecutor had attacked Boles's credibility, his character, and his version of events, his own attorney declined to ask a single follow-up question. No attempt to rehabilitate his testimony. No effort to clarify the points the prosecutor had muddied. No redirect at all. The jury was left with the prosecution's framing of Boles's testimony as the final word.

In closing argument, the prosecutor linked the two crimes explicitly, reinforcing the pattern theory. He also addressed the elephant in the room: the fact that detectives had lied to Boles during the interrogation. The deception, the prosecutor told the jury, was "not the kind of thing that would make an innocent person confess to a horrible thing like this." It was a statement that research in the decades since has thoroughly discredited. Lies told by police during interrogation are precisely the kind of thing that makes innocent people confess, especially when those people are young, isolated, and afraid.

On March 22, 1995, the jury convicted Brian Boles on all charges. He was later sentenced to twenty-five years to life in prison for the Reid murder and a consecutive sentence of five to fifteen years for the Meeks robbery and assault. He was eighteen years old.

A week after the verdict, on March 31, 1995, Charles Collins pleaded guilty to second-degree murder and first-degree robbery. He received a sentence of twenty years to life on the murder conviction and a consecutive sentence of two to six years for the robbery. Collins, too, was not guilty. But he had watched his friend go to trial, assert his innocence, and receive a longer sentence. The plea, and the impossible calculus that drove it, belongs to Collins's chapter.

Boles appealed his conviction, arguing that Justice Altman had erred in refusing to sever the two cases. On June 3, 1997, the Appellate Division of the state supreme court affirmed the conviction. The court held that Justice Altman had properly joined the two cases. But even if the joinder was improper, the appellate court wrote, the error was harmless "in view of the overwhelming evidence of guilt with respect to each of the criminal transactions." The "overwhelming evidence" the court was referring to was, primarily, the confessions. The confessions that were false.

Brian Boles went to prison. He would remain there for nearly thirty years.

Collins was released from prison on parole on January 20, 2017, after serving approximately twenty-two years. Boles was not released until March 8, 2024, having served close to thirty years. The sources are thin on what those decades looked like from the inside. What is documented is that Boles began his education behind bars through the Bard College Prison Initiative, an intensive liberal arts program that operates inside New York state prisons. He continued his studies after his release and, in May 2025, earned his bachelor's degree in sociology from Bard College.

The path toward exoneration began in March 2022, when Jane Pucher, a senior staff attorney with the Innocence Project, sent a letter to the Post-Conviction Justice Unit of the Manhattan District Attorney's Office. That letter marked the intersection of two forces that have reshaped the landscape of wrongful conviction work in the United States.

The first is the work of organizations like the Innocence Project, which investigate claims of wrongful conviction and provide pro bono legal representation to the wrongly convicted. The second is a structural reform within prosecutors' offices themselves. Over the past two decades, a growing number of district attorney's offices across the country have created internal units dedicated to reviewing potential wrongful convictions. These units go by different names depending on the jurisdiction: Conviction Review Units, Conviction Integrity Units, Post-Conviction Justice Units, or Conviction Integrity and Review Units. The names vary, but the function is the same. They are staffed by prosecutors whose job is to look backward at their own office's work and ask whether justice was actually done. The creation of such units represents an acknowledgment that the adversarial system, in which prosecutors are rewarded for convictions and penalized for reversals, does not always self-correct. Sometimes the correction has to come from within. The Manhattan District Attorney's Post-Conviction Justice Unit, or PCJU, was established under District Attorney Alvin Bragg. Since 2022, the PCJU has moved to vacate thirteen convictions, including seven homicides.

Pucher's letter to the PCJU laid out the case plainly. Brian Boles accepted responsibility for the Meeks robbery and assault. He maintained his innocence in the Reid murder. His confessions, Pucher argued, were unreliable and consistent with the characteristics of known false confessions. The letter asked the PCJU for help locating physical evidence in the case and conducting DNA testing on whatever biological material remained.

The PCJU opened an investigation. What they found, over the months that followed, dismantled the evidentiary foundation of the 1994 convictions.

The first breakthrough was forensic. The fingernail scrapings collected from James Reid's body during his autopsy had never been subjected to DNA testing. In 1994, the technology to analyze such samples was either unavailable or insufficiently advanced. By the 2020s, the Office of the Chief Medical Examiner was able to conduct far more sophisticated analysis. What the DNA results would demonstrate is known as exclusion: the use of modern DNA testing to determine whether a convicted person's genetic material is present in biological evidence collected from a crime scene. When DNA from crime-scene evidence does not match a convicted person, it does not necessarily prove innocence on its own, but it can powerfully undermine the prosecution's theory, particularly when the convicted person's confession was the primary evidence of guilt. In Brian Boles's case, the OCME tested the material found under Reid's fingernails and identified a mixed DNA profile containing a major donor and a minor donor. Reid himself was the major donor. The minor donor, the person whose biological material had been lodged under an old man's fingernails, likely deposited during a struggle, was not Brian Boles. It was not

Charles Collins. It was someone else entirely. Someone who had never been identified, never been investigated, never been held accountable.

The second set of discoveries was, if anything, even more damning to the original prosecution. The PCJU reviewed the police and prosecution files and found several documents containing exculpatory evidence that had never been disclosed to the defense at trial.

Under the United States Constitution, as interpreted by the Supreme Court in the landmark 1963 case Brady v. Maryland, prosecutors have an affirmative obligation to disclose to the defense any evidence in their possession that is favorable to the accused, whether it relates to guilt or punishment. This is not optional. It is not a courtesy. It is a constitutional mandate. Evidence that tends to exonerate the defendant, impeach a prosecution witness, or undermine the state's theory of the case must be turned over. When prosecutors fail to meet this obligation, whether through deliberate concealment or negligent oversight, the result is known as a Brady violation. Brady violations are among the most common contributing factors in wrongful convictions because they deprive the defense of the tools needed to challenge the prosecution's case. A defense attorney cannot cross-examine a witness about a contradictory statement if the attorney does not know the statement exists. A defense attorney cannot challenge forensic testimony with a lab report if the lab report has been buried in a file that was never shared.

In the case of Brian Boles, the hidden evidence was devastating to the prosecution's case and would have been devastating at trial, had anyone known about it.

First, the PCJU found police statements from witnesses who said they either saw or heard James Reid alive after 1 p.m. on February 7, 1994. Boles's confession had placed the attack between noon and 1 p.m. If Reid was alive after that window, the confession was describing an event that had not yet happened. The timeline was impossible. The electrician who worked in the building told police he had seen Reid at 5 p.m. that day. The neighbors who lived in the apartment directly below Reid reported hearing a great deal of noise in his apartment at around 10:30 p.m. The noise was consistent with furniture being moved or dragged. This suggested that Reid was killed not in the early afternoon, as Boles's confession claimed, but late at night. These witness statements were in the prosecution's files. They were never given to the defense.

Had these reports been disclosed, Boles's attorneys could have shown the jury that the story captured in his signed statements and videotape was factually impossible. The confession said the crime happened at noon or 1 p.m. Multiple witnesses placed Reid alive for hours after that. The confession, in other words, was not a reliable account of what happened. It was a fabrication, constructed under duress by a teenager who did not know when the crime actually occurred because he was not there when it happened.

Second, the PCJU found the February 2, 1995, report from the NYPD Crime Laboratory. That report concluded that the footwear impressions found at the crime scene were too partial to be compared to Collins's Timberland boots. Detective Spurling had testified at trial that the boot print was, "as far as [he] could tell," a "match" to Collins's boots. The lab's own report said the opposite:

no meaningful comparison could be made. Spurling was never confronted with this report on the stand because the defense did not have it. The prosecution, which possessed the report, never turned it over. The jury heard Spurling's testimony about a boot print "match" and was never given the information that would have exposed that testimony as, at best, unsupported and, at worst, false.

The PCJU's reinvestigation also turned up additional evidence that further undermined the confessions. Investigators interviewed Sean Chatham, James Reid's great-grandson. Chatham told them that his great-grandfather followed a rigid daily routine. Reid got dressed every morning at 7 a.m. and did not put on his pajamas until 8 or 9 p.m. When Reid's body was found, he was wearing striped pajamas. If Chatham's account of his great-grandfather's habits was accurate, and there was no reason to doubt it, then Reid was almost certainly attacked in the evening or nighttime hours, not during the middle of the day as Boles's confession described. Spurling had added to Boles's statement an unsigned sentence claiming that Boles saw Reid wearing striped pajamas when he opened the door, placing the victim in pajamas at noon. Reid's own family said he would not have been in pajamas at that hour. Every detail that could be checked against independent evidence pointed in the same direction: the confession was false.

Chatham also told investigators that Reid never used a wallet. He kept his cash in his pocket or in a money clip. Boles's confession said that he or Collins had stolen money from Reid's wallet. There was no wallet.

The PCJU also spoke with Sabrina Knowles, one of the two young women who had been with Boles and Collins on the day in question. Knowles told investigators that during her original interview with police in 1994, an officer told her that her fingerprints had been found at Reid's apartment and that she would go to jail if she did not "tell the truth." This was another lie. Knowles's fingerprints had not been found at Reid's apartment. The threat was designed to pressure her into providing testimony that supported the detectives' theory. The coercion extended beyond the suspects themselves to the witnesses around them.

Boles was released from prison on parole on March 8, 2024, after serving nearly thirty years. But parole is not exoneration. He remained a convicted murderer in the eyes of the law. He carried the weight of that conviction in every aspect of his life outside prison walls. Still, he continued building toward a future. He completed his studies through the Bard College Prison Initiative and, in May 2025, earned his bachelor's degree in sociology.

That same month, Boles's legal team moved to overturn his conviction. In New York, the legal mechanism for challenging a conviction based on newly discovered evidence is a motion under Section 440.10 of the Criminal Procedure Law. This motion is filed in the original trial court, not in an appellate court, and it allows a defendant to argue that new evidence, unavailable at the time of trial, undermines confidence in the verdict. A 440.10 motion can be based on many grounds, including new DNA evidence, the discovery of previously undisclosed exculpatory material, or evidence that a witness committed perjury. It is the primary vehicle through which wrongful convictions are challenged in New

York after direct appeals have been exhausted. For Brian Boles, whose appeal had failed in 1997, the 440.10 motion was the path back to court.

On May 22, 2025, Boles moved for a new trial. The motion was filed by Jane Pucher and Shabel Castro, a Foderaro Post-conviction Litigation Fellow at the Innocence Project, with support from Senior Paralegal Kanani Schnider. The motion argued that the new DNA evidence supported Boles's longstanding assertion of innocence, and that the discovery of undisclosed exculpatory evidence was fundamentally at odds with the details of his confessions. "These reports undermine the reliability of Mr. Boles's custodial statements about the Reid homicide, the only evidence the prosecution had to present against him at trial as to that crime, because they show that Mr. Reid was not killed at the time to which Mr. Boles confessed, and they reveal other factual improbabilities that further undermine the reliability of the statements," the motion stated.

On June 4, 2025, Collins moved for a new trial as well, represented pro bono by Christopher Conniff, Ethan Fitzgerald, Insia Zaidi, and Bryte Bu of the law firm Ropes and Gray. Collins's motion noted that prosecutors supported vacating the convictions. "The record is clear that detectives questioned Mr. Collins using repeated instances of deception, and this tactic is now known, through scientific study and wrongful convictions brought to light, to produce false confessions," the motion argued. It continued: "This evidence of coercion is particularly significant here because Mr. Collins's confession was the only real evidence of his involvement in the Reid murder. It is telling that Mr. Collins repeatedly denied knowing anything about the murder until after

the detectives played him a video of his friend Brian Boles purporting to implicate Mr. Collins. Put in this precarious position, Mr. Collins sought to shift blame to Mr. Boles for the murder. To do so, Mr. Collins needed to put himself at the scene, a fact which he did not appreciate (although detectives certainly did) made him guilty of felony murder."

On July 8, 2025, the PCJU filed its response. The unit agreed that both convictions should be vacated and the indictments dismissed, not only for the Reid homicide but also for the Meeks robbery. The reasoning was significant. Although the new evidence related only to the Reid case, the prosecution acknowledged that because the two sets of charges had been joined in a single indictment and tried together, there was a "reasonable possibility" that the evidence and arguments from the homicide case had influenced the outcome in the robbery case. The very joinder that had helped convict Boles in 1995 now required that both convictions fall together. "The documents contradict Mr. Boles' confession as to time of death as well as testimony by the lead homicide detective at trial that a bloody boot print at the crime scene matched his co-defendant's boots," the PCJU's response stated.

Two days later, on July 10, 2025, Brian Boles walked into a Manhattan courtroom. Justice Ruth Pickholz of the New York County Supreme Court presided. Pucher and Castro flanked Boles. After more than thirty years, the legal system that had taken his freedom was prepared to acknowledge its error. Justice Pickholz vacated the convictions of both Brian Boles and Charles Collins and dismissed all indictments against them. The murder charges,

the robbery charges, the entire structure of the case that had been built on false confessions, hidden evidence, and misleading forensic testimony collapsed.

Manhattan District Attorney Alvin Bragg held a press conference. His words reflected both the gravity of the moment and the limits of what any legal proceeding could repair. “Charles Collins and Brian Boles served significant time in jail and suffered devastating consequences of their unjust convictions for decades,” Bragg said. “We cannot undo the harm to their lives, but it is never too late to do what is right.”

Bragg continued with a statement that captured the dual tragedy at the heart of every wrongful conviction. “Unjust convictions impact all of us because they harm public safety,” he said. “When the wrong people are convicted, people or persons who committed the harm are not held accountable. That means victims and the public are left with questions unanswered.” He put it even more directly: “We have two men who went to jail for decades for a conviction we no longer have confidence in, we also have an unsolved homicide.”

Boles spoke briefly to reporters. “I’m feeling fine. I’m feeling well. I’m glad justice was preserved,” he said. The restraint of those words, after thirty years, is difficult to comprehend.

Jane Pucher, speaking publicly about the case, emphasized the conditions that had produced the false confessions. “Both young men had been questioned when they were children without an adult present,” she said. “They had been lied to repeatedly by the police.” She elaborated on the pressures that can drive a teenager to confess to a crime he did not commit: “When you’re being lied

to, when you're 17 years old, interrogated for two days straight, threatened without sleep…there's every pressure in the world for people to confess."

The Innocence Project noted that the exonerations of Boles and Collins were part of a broader pattern. In 2025, the organization helped free four clients who had collectively spent more than 125 years incarcerated for crimes they did not commit. Their cases, the organization stated, "underscored the urgency of strengthening interrogation practices and ensuring that exculpatory evidence, including reports that question the reliability of a confession, is never buried again."

Bragg's office announced that it had implemented reforms in the years since the original prosecution, including science-based interview techniques, videotaping of interrogations, and complete police file transparency. Whether those reforms would have prevented the injustice done to Brian Boles is impossible to say. What can be said is that the reforms did not exist in 1994, and two teenagers paid for their absence with the best years of their lives.

Since the PCJU's launch in 2022, all thirteen convictions it has vacated have involved minority men. The pattern is not coincidental. The coercive interrogation tactics, the willingness to withhold exculpatory evidence, the reliance on dubious forensic testimony: these practices do not fall equally across the population. They concentrate, as they concentrated in this case, on young Black men in neighborhoods like Harlem, where the power imbalance between a seventeen-year-old and a detective in an interrogation room is as stark as it gets.

Brian Boles is now forty-eight years old. He holds a bachelor's degree in sociology from Bard College. He is building a career serving marginalized communities. He is, by every legal and factual measure, an innocent man. He lost thirty years.

The murder of James Reid remains unsolved. The DNA under his fingernails belongs to someone who has never been identified. District Attorney Bragg confirmed at the press conference that officials have no leads on the identity of Reid's actual killer. An eighty-five-year-old man was beaten, gagged, and strangled in his own apartment, and the person who did it has never been held accountable. The system spent three decades punishing the wrong people and, in doing so, ensured that the right person would never be found. That is the final cost of a wrongful conviction: not only the innocent life destroyed, but the guilty one that walks free.

Chapter 2: The Survival Calculation

When the police came to his mother's home in Brooklyn on the night of March 10, 1994, Charles Collins thought he knew why they were there. He had an outstanding bench warrant from Westchester County, a minor legal matter unrelated to anything that had happened in Harlem. He went with the officers without protest. He was seventeen years old, and whatever trouble he was in, he believed it was the manageable kind, the kind that gets sorted out with a court date and a fine. He did not know that his friend Brian Boles had been sitting in handcuffs at the 32nd Precinct since that afternoon, or that detectives had already spent hours extracting a false confession from him. He did not know that by the time the sun came up the next morning, he would have given one of his own.

Collins arrived at the precinct at about 12:30 a.m. on March 11. As the previous chapter recounted, Brian Boles had been arrested that same day in connection with the robbery of Burnell Meeks, and Detective Martin Davin had used the opportunity to question him about the unsolved murder of eighty-five-year-old James Reid. Through a series of lies and deceptive tactics, Davin and

Detective William Spurling had coerced Boles into signing multiple written statements and recording a videotaped confession implicating himself and Collins in the killing. By the time Collins was brought in for questioning, the detectives had what they needed to turn the same machinery on him.

The detectives told Collins they wanted to talk about the Reid murder. They also took his Timberland boots into evidence because of a bloody boot print that had been found in Reid's apartment. Collins denied any involvement. He told them he knew nothing about it. The denial was the truth, but in the dynamic of that interrogation room, the truth was precisely what the detectives did not want to hear.

At some point during the early morning hours, the detectives played Collins a five-minute excerpt from Boles's videotaped statement. In the video, Boles appeared to describe the murder in detail: how the two of them pushed in Reid's front door, how Collins hit Reid and gagged him, how they took money from the old man's wallet. Collins was now watching his friend, on camera, placing him at the center of a killing. He said Boles was lying. But that declaration, true as it was, left Collins in a precarious position. If Boles was describing a crime that Collins had no part in, then Collins was merely an innocent bystander being falsely accused. If, however, Collins tried to respond to the accusation by offering his own account of what happened, he would need to put himself at the scene. And putting himself at the scene, even to shift blame away from himself and onto Boles, was exactly the trap the detectives had set.

Collins did not appreciate the legal significance of this maneuver, although the detectives certainly did. Under New York's felony murder rule, anyone who participates in a violent felony during which a person is killed can be charged with murder, regardless of who actually delivered the fatal blow. By placing himself inside Reid's apartment in any capacity, Collins would be confessing to felony murder. The detectives understood this. Collins, a seventeen-year-old with no lawyer in the room, did not.

At 1:35 p.m. on March 11, after hours of questioning, Collins gave a videotaped statement confessing his involvement in the murder. In his version, the attack took place a little after 2 p.m. on February 7, 1994, a time that differed from Boles's account. Collins said he gagged Reid with a T-shirt, which was inconsistent with the actual evidence found at the crime scene: a pair of men's underwear stuffed into Reid's mouth and tied around his head. Collins would later say that investigators fed him information about other details to shore up his account. Like Boles's statements, Collins's confession was a patchwork of police-supplied details and guesswork from a teenager who did not know what had actually happened inside that apartment because he had not been there.

The grand jury indictment came on March 25, 1994, charging both Collins and Boles with second-degree murder and robbery in the Reid case, along with additional charges for the Meeks robbery. The cases were joined in a single indictment, a prosecutorial strategy whose devastating consequences for Boles at trial were detailed in the previous chapter. For Collins, the joinder would cast a different but equally long shadow.

Boles went to trial first, in March 1995. Collins watched from the sidelines as the case against his friend unfolded. He saw the confessions introduced into evidence. He saw Detective Spurling testify that the bloody boot print from Reid's apartment was, "as far as [he] could tell," a "match" to Collins's own Timberland boots. He saw the prosecution link the Reid murder to the Meeks robbery, painting both teenagers as predators who targeted elderly men for money. He saw Boles take the stand, tell the jury the confession was beaten out of him, and endure two days of cross-examination. He saw Boles's own attorney decline to ask a single question on redirect. And on March 22, 1995, he saw the jury convict Brian Boles on all charges. Boles would receive a sentence of twenty-five years to life.

A week later, on March 31, 1995, Charles Collins pleaded guilty to second-degree murder and first-degree robbery.

The decision to plead guilty when you are innocent is one of the most agonizing calculations a defendant can face, and one of the least understood aspects of wrongful convictions in America. To people outside the criminal justice system, a guilty plea is a straightforward admission of culpability. If you did not do it, why would you say you did? The question sounds reasonable until you understand the pressures that bear down on a defendant standing between a plea offer and a trial. Collins had just watched his co-defendant, who maintained his innocence, go to trial and lose. The evidence against Collins was largely the same: a coerced confession, a joined indictment that linked the murder to the robbery, and forensic testimony about a boot print that belonged to Collins's own shoes. The jury had heard all of that and convicted

Boles in a matter of days. If Collins went to trial and lost, he faced the possibility of a longer sentence than what the plea offered. If he pleaded guilty, the outcome was at least predictable.

This is what researchers who study wrongful convictions call the trial penalty: the gap between the sentence offered in a plea deal and the sentence imposed after a trial conviction. When the trial penalty is severe, when the difference between pleading guilty and being found guilty can mean an additional decade or more in prison, even an innocent person may decide that the rational choice is to take the deal. The National Registry of Exonerations has documented hundreds of cases in which innocent people pleaded guilty, often to avoid the risk of a far harsher punishment at trial. Collins was seventeen. He had watched the system process and reject his friend's claim of innocence in real time. The plea, in that light, was not an admission of guilt. It was a survival calculation.

Collins received a sentence of twenty years to life on the murder conviction and a consecutive sentence of two to six years for the robbery. The sentence was five years shorter on the murder charge than what Boles received at trial. That was the trade: five fewer years of a life sentence in exchange for a formal declaration of guilt for a crime he did not commit.

The guilty plea would also create a distinct legal problem years later, when the time came to challenge the conviction. Overturning a guilty plea is substantially more difficult than overturning a trial conviction. When a defendant is convicted at trial, the appellate record contains transcripts, rulings, objections, and a full accounting of the evidence presented to the jury. A reviewing court can examine that record for errors: improper jury instructions,

prosecutorial misconduct, ineffective assistance of counsel, the suppression of exculpatory evidence. A guilty plea, by contrast, is a waiver. The defendant gives up the right to a trial, the right to confront witnesses, the right to challenge the evidence. In doing so, the defendant also gives up most of the procedural footholds that a post-conviction attorney would later need to mount a challenge. A person who pleads guilty is, in the eyes of the law, someone who stood before a judge, stated that they committed the crime, and accepted the consequences. Courts are understandably reluctant to undo that kind of admission. The legal standard for vacating a guilty plea requires the defendant to demonstrate not just that new evidence has emerged, but that the plea itself was the product of constitutional violations or that the new evidence is so compelling that no reasonable person could sustain confidence in the conviction. For an innocent person who pleaded guilty out of fear, out of rational self-preservation, out of the grim arithmetic of the trial penalty, the path back is narrow and steep.

Collins did not appeal. He went to prison and began serving his sentence. The sources are largely silent on what those years looked like. What is documented is the timeline: Collins entered the New York State prison system as a teenager and remained there for more than two decades.

On January 20, 2017, Collins was released from prison on parole after serving approximately twenty-two years. Boles, who had received the longer sentence after trial, would not be paroled for another seven years. Collins was free, in the limited sense that parole permits freedom. He was still a convicted murderer. The guilty plea he had entered in 1995 remained on his record, shaping

every dimension of his life outside prison: where he could work, where he could live, how he was perceived by anyone who ran a background check.

The years between Collins's release in 2017 and the beginning of the reinvestigation in 2022 are, in the available record, a period of silence. There are no documented public statements from Collins during this time, no advocacy, no media appearances. Whether this silence reflected resignation, the practical demands of rebuilding a life on parole, or something else entirely, the sources do not say. What is known is that Collins maintained his innocence in the Reid murder, as he had from the moment of his arrest.

The movement toward exoneration began with Boles's case. In March 2022, Jane Pucher of the Innocence Project contacted the Manhattan District Attorney's Post-Conviction Justice Unit and asked for a reinvestigation. The PCJU's work, described in detail in the previous chapter, produced the evidence that would ultimately free both men: DNA from Reid's fingernails that excluded both Boles and Collins, witness statements showing Reid alive hours after the time claimed in the confessions, the suppressed crime laboratory report contradicting the boot print testimony, and the accounts from Reid's great-grandson and from Sabrina Knowles that further dismantled the prosecution's theory.

The reinvestigation created a path for Collins, but he needed lawyers to walk it. Here is where his case diverges from Boles's in a way that illuminates a critical feature of the wrongful conviction landscape.

Boles was represented by the Innocence Project, a nonprofit organization dedicated to exonerating the wrongly convicted. But the Innocence Project, like every organization of its kind, has finite resources and a long list of clients. Collins needed his own legal team. In August 2024, the law firm Ropes and Gray took on Collins's case on a pro bono basis. Pro bono legal work, from the Latin "for the public good," is the practice of providing free legal services to individuals who cannot afford representation. In the context of wrongful convictions, pro bono representation by large law firms has become an essential component of the exoneration ecosystem. The work is resource-intensive: it requires attorneys to review decades-old trial records, file complex post-conviction motions, coordinate with prosecutors and forensic experts, and often devote hundreds or thousands of billable hours for which the firm receives no payment. Law firms undertake this work as a professional obligation and as a commitment to justice, often assigning teams of attorneys to a single case. For defendants like Collins, who do not have the backing of a dedicated innocence organization, pro bono representation from a private firm may be the only realistic avenue to challenge a wrongful conviction.

Christopher Conniff, Ethan Fitzgerald, Insia Zaidi, and Bryte Bu of Ropes and Gray took on Collins's representation. They reviewed the reinvestigation findings, coordinated with the Innocence Project and the PCJU, and prepared the legal filings that would bring Collins's case back before a judge.

On May 22, 2025, Boles moved for a new trial. His motion, filed by Pucher and Shabel Castro of the Innocence Project, laid out the DNA evidence and the Brady violations that had deprived him of a fair trial. Two weeks later, on June 4, 2025, Collins

moved for a new trial as well. His motion, filed by the Ropes and Gray team, noted that prosecutors supported vacating the convictions. “The record is clear that detectives questioned Mr. Collins using repeated instances of deception, and this tactic is now known, through scientific study and wrongful convictions brought to light, to produce false confessions,” the motion stated. It went on to describe the precise trap that had been set for Collins in that interrogation room three decades earlier: “It is telling that Mr. Collins repeatedly denied knowing anything about the murder until after the detectives played him a video of his friend Brian Boles purporting to implicate Mr. Collins. Put in this precarious position, Mr. Collins sought to shift blame to Mr. Boles for the murder. To do so, Mr. Collins needed to put himself at the scene, a fact which he did not appreciate (although detectives certainly did) made him guilty of felony murder.”

On July 8, 2025, the PCJU filed its response agreeing that both convictions should be vacated and all indictments dismissed.

Two days later, on July 10, 2025, Collins and Boles walked into a Manhattan courtroom. Justice Ruth Pickholz of the New York County Supreme Court vacated their convictions and dismissed the indictments against them. The courtroom erupted in applause. Both men embraced their attorneys.

Collins, now forty-nine years old, spoke to a reporter from NY1 on the steps of the courthouse. “I feel great, I feel great,” he said. The words were simple, and they were all the public record captured of what that moment meant to him.

Christopher Conniff, Collins’s lead attorney from Ropes and Gray, called the vacatur a correction of “a terrible injustice.” Manhattan District Attorney Alvin Bragg, speaking at a press

conference, acknowledged the harm in terms that applied equally to both men. “Charles Collins and Brian Boles served significant time in jail and suffered devastating consequences of their unjust convictions for decades,” he said. “We cannot undo the harm to their lives, but it is never too late to do what is right.”

The Innocence Project later cited the Collins and Boles exonerations as an example of how major law firms contribute to wrongful conviction work through pro bono representation and co-litigation. For the Innocence Project’s Summer Associates Program, which introduces young lawyers to post-conviction work, the case became a teaching example of collaboration between nonprofit advocacy organizations, prosecutors’ offices, and private law firms. Ropes and Gray had participated in the program. The firm’s involvement in the Collins case demonstrated that the exoneration of a single person often depends not on any one institution but on a network of legal actors working in concert, each contributing resources that no single entity could provide alone.

Collins’s path through the system was, in many ways, quieter than Boles’s. There was no trial to scrutinize, no appellate record to dissect, no dramatic courtroom testimony about abuse in the interrogation room. There was instead a guilty plea entered by a frightened teenager who watched his friend get convicted and decided he could not survive the same process. There were twenty-two years in a state prison. There was a parole release in 2017, followed by years of carrying a murder conviction that was not his. And there was, finally, a team of lawyers who took his case for free and did the work necessary to bring the truth into a courtroom.

The exoneration did not come with answers about what Collins's decades in prison and years on parole had cost him. The sources do not describe what he did after his 2017 release, whether he found work, where he lived, or how he managed the daily weight of a conviction for a crime he did not commit. What the record reflects is that Collins maintained his innocence throughout, that he was excluded by DNA evidence along with Boles, that the same Brady violations that tainted Boles's trial also tainted the information available to Collins when he made the decision to plead guilty, and that on a Thursday morning in July 2025, a judge told him the conviction was gone.

The murder of James Reid remains unsolved. The DNA found under Reid's fingernails belongs to someone who has never been identified. Collins and Boles together served approximately fifty years in prison for a killing that neither of them committed. The system that put them there relied on the same evidence to convict both: confessions that were false, forensic testimony that was unsupported, and exculpatory material that was hidden. For Collins, the system extracted an additional concession. It made him say he was guilty. And then, for thirty years, it held him to that word.

Chapter 3: Eighteen Hours in Handcuffs

At about four in the morning on September 29, 1990, Joseph Healy was shot and killed in the parking lot of an Arby's restaurant at the corner of Duncan Road and Hempstead Turnpike in East Meadow, New York. Healy was twenty-four years old, an assistant football coach at Hofstra University. He had spent the evening with two friends, David Shepard and Tim Mahoney, going from bar to bar. At the last stop, around three in the morning, they met two Hofstra students, Stephanie Scheele and Kristen Baecker. Both women were too intoxicated to drive and decided to walk back to campus. Healy, Shepard, and Mahoney joined them. The five stopped at a pizza parlor called Campus Pizza, but it was closed. They continued on to the Arby's, where the dining room was locked but the drive-through window was still serving customers. They walked up, placed an order, got their food, and sat down on the curb outside to eat.

While Healy's group was eating, a woman named Cynthia Louissaint was walking down Duncan Road with her friend Mark Jones, heading toward a pay phone. Louissaint and Jones saw a gray car pull up on Duncan Road behind the Arby's. Louissaint

saw Black men inside. She got a clear view of the driver, who was just a few feet from her. The face of the passenger was obscured, though she could see his hair sticking out from under a baseball cap and could make out his clothing. No one was in the back seat. Two men in the car, not three.

Louissaint and Jones continued walking to the pay phone, passing Healy and the others on the way. Not long after, two Black men approached the group sitting on the curb. The first man shouted, “You have three seconds to get up!” Almost immediately, the second man yelled, “Just do it!” or “Just do him!” The gunman fired. Joseph Healy was shot in the face. Both men ran to the gray car and drove away. The entire incident lasted somewhere between ten and thirty seconds.

Detective Richard Wells of the Nassau County Police Department arrived at the scene within hours and was assigned to lead the investigation. He interviewed the witnesses: Scheele, Baecker, Mahoney, Shepard, and Jones. The next day, he located and interviewed Louissaint. Investigators used descriptions from Louissaint and Baecker to create composite police sketches of the two suspects. Scheele, who later admitted she had been so intoxicated that she needed help standing up, could offer almost nothing. The only description she gave police was that the second man was Black and about five feet ten inches tall.

The case drew intense media coverage and community grief. The police offered a $15,000 reward. Detective Wells later said he stuck 5,000 posters, including the composite sketches, to “every telephone pole from Montauk to Parsippany, New Jersey.” From

the outset, investigators theorized that the murder was a botched robbery committed by two men. The shooting went unsolved for months.

On February 15, 1991, nearly five months after Healy's death, police in Freeport, New York, a town less than ten miles from the Arby's, arrested twenty-year-old Christopher Ellis along with his two friends, twenty-year-old Gary Lawrence and nineteen-year-old David Liles. The three were accused of trying to rob a local drug dealer. Police brought them to the Freeport police station at about 1:30 in the morning.

Shortly before five a.m., Ellis signed a statement admitting his involvement in the Freeport attempted robbery. That admission was freely given. What followed was not. Ellis was handcuffed to a bench in an interrogation room. At about six in the morning, a detective entered and began questioning him about the murder of Joseph Healy.

Ellis told the detective he knew about the shooting only from media reports and was not involved. The detectives refused to believe him. What happened over the hours that followed in that room is a case study in how prolonged interrogation breaks down the human capacity for resistance, producing confessions from people who have nothing to confess.

In Brian Boles's case, the coercion unfolded through lies and deception over the course of a single day. The interrogation of Christopher Ellis involved those same deceptive tactics but added a dimension of physical deprivation that compounded their effect. Ellis was kept handcuffed to a bench for the duration of his questioning. He was not allowed to sleep. He was not given food or water. The interrogation stretched on for eighteen hours. Research

on coerced confessions has identified prolonged interrogation as one of the most powerful risk factors for false statements, distinct from and often more dangerous than the psychological manipulation tactics used in shorter sessions. Sleep deprivation alone degrades cognitive function, impairs decision-making, and erodes the will to resist. When combined with physical restraint, hunger, thirst, and isolation from anyone who might advocate on the suspect's behalf, the result is a form of coercion that can overwhelm even a person who knows with absolute certainty that he is innocent. The suspect's mental calculus shifts from "How do I prove my innocence?" to "How do I make this stop?" Dr. Brian Cutler, an expert in eyewitness identification, false confessions, and wrongful convictions, later reviewed Ellis's case and identified at least six risk factors for a false confession: the suspect's age, sleep deprivation, food deprivation, pain and discomfort from the physical restraint, isolation, the length of the interrogation, and the use of false evidence by the detectives. "High-pressure interrogation tactics and confession contamination are also likely factors in this case," Dr. Cutler concluded. "These factors significantly increase the risk of eliciting a false confession."

The detectives falsely told Ellis that he had been identified as the gunman's accomplice from a composite sketch. They told him that Liles and Lawrence had already implicated him. They told him he was going to prison for the attempted robbery regardless, but that if he would just admit he drove the getaway car, the police would talk to the prosecutors and the judge, and he would not get much prison time. Every one of these statements was a lie. No composite sketch identified Ellis. Neither Liles nor Lawrence had implicated him. And the detectives had no authority to promise leniency.

After eighteen hours in custody, handcuffed to a bench, without food, water, or sleep, Ellis agreed to give a statement. A detective wrote out the statement, and according to Ellis, supplied the details related to the murder. The statement said that Ellis, Lawrence, and Liles were driving a stolen blue Mitsubishi Conquest near the Hofstra campus, looking for someone to rob. Finding no one, they went to Campus Pizza to get something to eat. This was the same pizza parlor that Healy's group had visited earlier and found closed. The statement said that as they left Campus Pizza, they saw Healy and the others standing at a phone booth near the Arby's and decided to rob them. Ellis drove to a side road near the Arby's and stopped so Lawrence and Liles could get out. He heard arguing and then a gunshot. Liles and Lawrence ran back to the car, and they fled. Ellis signed a second additional statement saying that when he heard the argument, he got out of the car and went toward the Arby's, where he saw Liles and a "tall white male struggling" before the gun went off.

Almost immediately after signing, Ellis recanted. He denied that any of it was true.

Police then obtained statements from Liles and Lawrence. Both men later said their statements were also false. Lawrence asserted that an officer had kicked him while he was handcuffed to a chair. Lawrence had been questioned for approximately nineteen hours without food, drink, or sleep.

The three statements were not only inconsistent with one another; they contradicted the known facts. Louissaint had described the car as a gray Chevrolet. The statements variously described a stolen blue Mitsubishi Conquest, a light blue four-door Mazda, and a dark blue two-door Mazda. Witnesses said the

gunman told the group they had three seconds to stand up, words that appeared in none of the three statements. Witnesses said only two men were in the car, not three. And the statements could not even agree on who had fired the gun. Ellis's statement said Liles was the shooter. Lawrence's statement also said Liles was the shooter. But Liles's statement said Ellis was the gunman. In a genuine confession, the participants know who did what. In a fabricated one, the details shift with every telling, because the person confessing is constructing a story from fragments of information supplied by the interrogators rather than recounting something he witnessed or did.

Detective Wells arranged identification procedures for the witnesses. He met with Scheele and Baecker and showed them a photographic lineup that included photos of Ellis, Liles, and Lawrence. Neither woman identified any of them as being involved in the crime. Wells then asked the witnesses to come to the police station for a live lineup. Shepard and Mahoney joined them. Liles, Lawrence, and Ellis stood in a lineup with five Black college students.

Shepard, Baecker, and Mahoney identified Liles as the gunman. Mahoney said he thought Lawrence was the second man at the scene but was not one hundred percent certain because he had been drinking, the night was foggy, and the crime happened very quickly. None of them identified Ellis. Scheele did not identify Ellis by sight, either. Instead, she asked that he be made to step forward and say the words "Just do it." After Ellis alone was made to utter the phrase, Scheele identified him as the second man, based solely on the sound of his voice. No one else in the lineup was asked to step forward and speak the words.

The unreliability of eyewitness identification is among the best-documented phenomena in the study of wrongful convictions. Decades of social science research have established that eyewitness testimony, while persuasive to juries, is far less accurate than most people believe. Human memory does not function like a recording device. It is reconstructive, shaped by stress, lighting, duration of exposure, the passage of time, and the conditions under which the witness is later asked to make an identification. Cross-racial identifications, in which a witness identifies someone of a different race, are significantly less reliable than same-race identifications. And the presence of a weapon during a crime, known as the weapon-focus effect, further degrades the accuracy of a witness's memory for the perpetrator's face, because attention is drawn to the threat rather than to identifying features. Scheele's identification of Ellis compounded nearly every known risk factor for misidentification. She saw the perpetrators for just a few seconds. She had been drinking heavily. It was the middle of the night. The event was sudden and violent. The perpetrators were of a different race. And she did not identify Ellis by sight at all. She identified him by voice, after he alone was singled out to speak the critical phrase. Dr. Cutler later concluded that the accuracy of her identification was "highly unlikely" given the combination of factors present. "Social science studies demonstrate that these factors, particularly in combination with one another, undermine the reliability of her identification," he wrote.

There was another witness whose account cut even more directly against the prosecution's case, though no one at the defense table would learn about it for decades. Detective Wells had shown photographs of Ellis to Cynthia Louissaint, the one witness

who had gotten the clearest view of the men in the gray car. Louissaint did not identify Ellis. She excluded him. She told the police that Ellis was not involved.

At a pretrial hearing on a motion to suppress the defendants' statements, held in January 1992, the prosecution and Detective Wells revealed for the first time that Louissaint had been shown photographs. The prosecutor asked Wells, "Now, when you showed these photographs to Ms. Louissaint…did she exclude anybody?" Wells replied, "No, sir, she did not." The prosecutor then told the judge that no eyewitness had excluded any of the defendants during the photo and live lineups. This was false. Louissaint had excluded Ellis. She had told the police he was not involved. Years later, when Ellis's attorneys finally interviewed Louissaint, she confirmed it: she had excluded Ellis and told the police as much. The failure to disclose her exclusion was a Brady violation, a suppression of exculpatory evidence that deprived the defense of one of its strongest weapons.

All three men were charged with second-degree murder, attempted robbery, criminal possession of a weapon, and possession of stolen property. They were also charged separately with the attempted robbery of the drug dealer in Freeport. The men went to trial separately. Ellis went first.

His trial began on November 16, 1992, in Nassau County Supreme Court. The prosecution's case relied primarily on two pillars: Scheele's identification and Ellis's confession. There was no physical evidence linking Ellis to the crime. No forensic evidence. No ballistics. No fingerprints. The case was built on what a frightened, sleep-deprived young man had told detectives after

eighteen hours in handcuffs, and on the voice identification of a woman who had been too intoxicated to stand without help on the night in question.

Ellis testified in his own defense. He admitted his involvement in the attempted robbery of the drug dealer in Freeport but denied any involvement in Joseph Healy's murder. He told the jury his confession was coerced, that the details had been fed to him, and that he had recanted immediately. And he offered something the prosecution could not easily explain away: an alibi. Ellis told the court he had been performing as a DJ at his brother's birthday party on the night of the shooting.

Several witnesses corroborated the alibi. One testified that Ellis was at the party through four in the morning, past the time of the shooting. Another said Ellis was still there at six or seven in the morning, helping to clean up. A third witness, Joseph Hamilton, testified that he saw Ellis at the party right before leaving to drop off a friend. Hamilton said that during his drive, he passed by the Arby's and saw that police tape from Healy's murder had already gone up. The defense contended that Hamilton's testimony made it clear Ellis could not possibly have left the party, committed the crime, and returned.

The jury was not persuaded. On December 7, 1992, it convicted Ellis of all charges. He was sentenced to thirty-one and a half years to life in prison. He was twenty-two years old.

The composition of that courtroom told its own story. Ellis, a Black man, was investigated by white detectives, prosecuted before an all-white jury, and convicted without a single piece of physical evidence. The racial dynamics of the case were not incidental. They were embedded in every stage of the process: in the

interrogation room where white detectives kept a young Black man handcuffed to a bench for eighteen hours; in the identification procedure where Scheele, a white college student, identified Ellis by voice alone; and in the jury box, where twelve white jurors weighed that evidence and found it sufficient to send a Black man to prison for the rest of his productive life.

Gary Lawrence was convicted in a separate trial in March 1993. He was sentenced to thirty-two and a half years to life. David Liles was convicted in April 1993 and sentenced to thirty years to life. Their appeals were unsuccessful. Three young Black men, convicted in three separate trials for the same crime, on the basis of three mutually contradictory confessions, with no physical evidence connecting any of them to the shooting. The system processed all three with ruthless efficiency.

Lawrence was released on parole in 2015 after serving over twenty-four years. Liles was released on parole in February 2021. Ellis remained in prison. He had received the sentence of thirty-one and a half years to life, and the parole system had not seen fit to release him.

The path toward undoing what had been done began in 2016, when the law firm of Emery Celli Brinckerhoff Abady Ward and Maazel took on Ellis's case. During the firm's reinvestigation, they interviewed Cynthia Louissaint. She confirmed what had been hidden for a quarter century: she had excluded Ellis as being involved. She had told the police that Ellis was not the man she saw.

The firm retained Dr. Brian Cutler to review the confession and the identification evidence. His conclusions were unequivocal. The confession bore the hallmarks of a false statement extracted through coercion. The identification was unreliable under every applicable measure of accuracy.

In October 2019, Ellis filed a motion to vacate his conviction, citing Dr. Cutler's report and the prosecution's failure to disclose Louissaint's exclusion of Ellis.

In the months that followed, Ellis's legal team began collaborating with a unit inside the Nassau County District Attorney's Office that would prove central to the unraveling of the case. Many prosecutors' offices across the country have created internal units to review potential wrongful convictions. As discussed in earlier chapters, these units go by various names: Conviction Review Units, Post-Conviction Justice Units, Conviction Integrity Units. The function is the same: prosecutors reviewing their own office's past work to determine whether justice was actually done. But the name is not the only thing that varies. The structure, independence, and authority of these units differ significantly from office to office, and those differences matter.

In Manhattan, the Post-Conviction Justice Unit that investigated Brian Boles's case operated under District Attorney Alvin Bragg, who took office in 2022 and had no connection to the original 1994 prosecution. The PCJU could investigate the case without the institutional discomfort of second-guessing a sitting colleague's work. In Nassau County, the Conviction Integrity Unit (sometimes referred to as the Conviction Integrity Bureau) operated under the same district attorney's office that had

originally prosecuted Ellis in 1992. The original prosecutor in Ellis's case had died in September 2018, which removed one source of personal friction, but the structural tension remained. A Conviction Integrity Unit housed within a DA's office is, by design, asked to investigate and potentially discredit the work of colleagues, predecessors, and the institutional culture of the office itself. Some CIUs have sweeping investigative authority and a measure of independence from the elected district attorney. Others function more as advisory bodies whose recommendations can be accepted or overruled. The credibility of any CIU depends on whether the office is willing to follow the evidence even when the evidence points to its own failures.

The Nassau County CIU launched an investigation in 2019 into claims that Ellis may have been wrongfully convicted. What the investigation uncovered went far beyond the Louissaint exclusion. Investigators reviewed the Nassau County Police Department's case file and found that Detective Wells had compiled extensive notes in a memo pad, notes that had never been included in the district attorney's file and had never been disclosed to any of the three defendants or their attorneys.

Those notes were, in the words of Ellis's attorney Ilann Maazel, "a gold mine of information." Wells had investigated multiple leads pointing to suspects other than Ellis, Lawrence, and Liles. The notes included a statement from Mark Jones, the man who had been walking with Louissaint to the pay phone just before the shooting. Jones told Wells about James Lewis, a friend of fifteen years. According to Jones, Lewis confessed that "he and another person, his 'homeboy,' were involved in the Arby's stick up." Lewis told Jones that "his homeboy shot the white guy who was with the

two white girls because the guy would not give up the money." The police had this information. They never shared it with the defense. They never shared it with the prosecution, either, according to the district attorney's office.

In all, the police had developed at least eleven different leads and investigated at least eleven suspects in connection with the Healy murder. These investigations included detailed notes and, in some instances, polygraph examination results. None of this material was ever turned over to Ellis, Lawrence, Liles, or their attorneys. The defense could have pursued leads from four separate murder confessions by other individuals. Instead, the case went to trial with the jury knowing nothing about any of it.

Justice Patricia Harrington's decision, issued on July 21, 2021, acknowledged the scope of what had been hidden. "In reviewing the voluminous documentation and potential leads contained in [Detective Wells's] notes, and weighing that against the evidence presented at trial," she wrote, "this Court concludes that had Detective Wells's notes been turned over to the defense in a timely manner, there is a reasonable probability that the outcome would have been different." She granted Ellis's motion and vacated his convictions in the Healy murder case. The conviction for the attempted robbery of the drug dealer was not disturbed.

On August 9, 2021, Christopher Ellis walked out of prison. He was fifty-one years old. He had been incarcerated for more than thirty years. When he stepped through the doors, he said, "I feel wonderful. I just want to run to the car so we can get out of here." He celebrated with rum-raisin ice cream. He reunited with his family. He embraced his thirty-year-old son for the first time as a

free man. His son had been born while Ellis was in prison, had grown up, had become an adult, all during the decades his father spent locked away for a crime he did not commit.

But the story did not end there. When a conviction is vacated, the case does not simply disappear. The legal effect of a vacatur is to erase the conviction and return the case to its pre-trial posture. The charges remain pending unless the prosecution takes affirmative steps to dismiss them. The district attorney then faces a choice: retry the case, negotiate a plea, or dismiss the charges entirely. There is no constitutional prohibition on retrying a defendant whose conviction has been vacated for reasons other than insufficient evidence. The double jeopardy clause of the Fifth Amendment bars the government from trying a person twice for the same offense after an acquittal, but a vacatur is not an acquittal. It is, in effect, a legal reset, as if the first trial never happened. The defendant who has already served decades in prison may find himself facing the prospect of a second trial for the same crime, forced to defend himself all over again.

On October 1, 2020, while Ellis's motion was still pending, the prosecution had offered a deal. Ellis and Liles could be resentenced to twenty-five years to life, which would make them immediately eligible for a parole hearing, and the prosecution would not oppose their requests for parole. In return, Ellis and Liles would agree not to challenge their convictions. Lawrence was not extended the same offer because he had already been released on parole in 2015. Ellis and Liles rejected the offer. They were not interested in a faster path to parole. They wanted their names back.

After the conviction was vacated and Ellis was released, the Nassau County District Attorney's Office had until September 20, 2021, to decide whether to retry him. On that date, prosecutors announced their decision: retrial was warranted, they said, "to ensure justice is done." The district attorney's spokesperson, Brendan Brosh, stated that the office had "no basis to believe that the failure to disclose the notes was intentional," noting that the original prosecutor had died in September 2018. The implication was that the Brady violations, while real, were unintentional, and that the evidence of guilt remained sufficient to warrant a second prosecution.

Ellis's legal team expressed dismay. "Our thoughts are with Chris and his family, who suffered greatly during his 30-year incarceration and should not have to" go through this again, the firm stated. But the decision was the DA's to make, and the DA chose to prosecute.

In March 2022, Justice Harrington denied a defense motion to dismiss the charges entirely. The case was headed to a second trial.

In the intervening period, Ellis's co-defendant Gary Lawrence also found his way back to court. Attorney Ilann Maazel filed a motion on Lawrence's behalf seeking to vacate his conviction based on the same undisclosed evidence. "The defense could have pursued leads from four [undisclosed] murder confessions [of] at least 11 suspects," Maazel argued. "This was a gold mine of information. The [Nassau County Police Department] kept it to themselves." On January 19, 2023, acting Nassau County Supreme Court Justice Howard Sturim granted the motion and vacated Lawrence's conviction. The court found that the Brady violations were "substantial" and that because of them, "the People failed to

provide access to meaningful witnesses and information." Lawrence had served over twenty-four years before his 2015 release on parole. He had been law-abiding since his release. He had always maintained his innocence.

In January 2025, more than thirty-four years after Joseph Healy was shot in that Arby's parking lot, Christopher Ellis went to trial for a second time. The law firm of Emery Celli Brinckerhoff Abady Ward and Maazel represented him. Partners Jonathan Abady and Earl Ward led the defense team at trial, joined by partner Ilann Maazel, associates Eric Abrams and Vivake Prasad, and paralegal Toby Shore. This time, the jury heard what the first jury had never been allowed to hear: that the lead detective had compiled notes on at least eleven other suspects; that other individuals had confessed to the crime; that the one witness who got the clearest look at the men in the car had excluded Ellis; that the detective had told the court she had not excluded anyone, which was false; that the three confessions contradicted each other and contradicted the known facts; and that the sole eyewitness identification came from a woman who was too drunk to stand, who could not identify Ellis by sight, and who identified him by voice only after he alone was singled out to speak.

On January 24, 2025, the jury returned its verdict. Unanimous acquittal. Christopher Ellis was not guilty.

Standing outside the Nassau County courthouse, Ellis spoke to reporters from Newsday. "It's about time," he said. "From day one, I've been telling them I'm innocent and nobody's been listening to me until today."

Partner Ilann Maazel reflected on what had been done to his client. “The police showed absolutely no regard for Chris,” he said. Partner Earl Ward placed the acquittal in a broader context. “Chris’ acquittal after thirty years of wrongful incarceration reaffirms the flawed and broken nature of our criminal justice system,” Ward said.

The Nassau County District Attorney’s Office released a statement saying it “respected the jury’s decision.”

Christopher Ellis had entered the criminal justice system at the age of twenty. He was convicted at twenty-two. He was released at fifty-one. He was acquitted at fifty-four. Between his arrest and his acquittal, thirty-four years had passed. Between his conviction and his release from prison, more than thirty years. He lost his twenties, his thirties, his forties. His son grew from an infant into a man without his father present. The alibi witnesses who testified at his first trial, the people who had seen him DJing his brother’s birthday party on the night of the murder, had told the truth. The jury in 1992 did not believe them. The jury in 2025, presented with the full picture that the first jury had been denied, reached a different conclusion.

The case of Christopher Ellis is, at its core, a story about what happens when the system withholds the truth. The police had evidence pointing to other suspects and kept it to themselves. The detective told the court that no witness had excluded any of the defendants, which was a lie. The prosecution went forward on the strength of a coerced confession and an identification that would not have survived serious scrutiny had the defense possessed the tools to challenge it. Three men were convicted. Three families were destroyed. And the person who actually shot Joseph Healy in

an Arby's parking lot in the early morning hours of September 29, 1990, was never identified, never investigated with any seriousness, never held accountable for taking the life of a twenty-four-year-old football coach who was sitting on a curb eating fast food with his friends.

At the time of Ellis's acquittal, Gary Lawrence was still awaiting his own retrial. David Liles, who did not challenge his convictions, had been released on parole in February 2021 and remained a convicted murderer in the eyes of the law. The murder of Joseph Healy remains unsolved.

Chapter 4: The Boy Who Chased the Gunman

At about seven o'clock in the evening on February 24, 1988, inside a game room on Cortelyou Road in the Flatbush section of Brooklyn, a man walked in and shot the clerk three times with a .25-caliber pistol. The clerk was thirty-eight-year-old Raphael Reyes. Two of the shots struck him in the head, one at close range, and one struck him in the pelvis. He died. Several teenagers were inside the game room at the time, playing video games after school. Among them was seventeen-year-old Brian Kendall, who had moved to the United States from Guyana with his family when he was eleven years old. The Kendall family lived around the corner. Brian attended the local high school. His younger brother Sheldon was with him in the game room that evening, along with several friends.

What happened next, according to Kendall and multiple witnesses, was this: the shooter, a man wearing a hooded coat, yelled "Get out!" and everyone scrambled for the door. Kendall grabbed his girlfriend, Simone Lyken, pulled her out of the store, and told her to go home. Then he and his brother and a group of friends did something that would seem, to anyone unfamiliar with

the way the criminal justice system can invert reality, like the action of a bystander trying to help. They chased the gunman. They ran after him from the game room on Cortelyou Road toward Flatbush Avenue. They flagged down a passing police car. The gunman reached Beverly Road, got into the passenger side of a waiting car in front of a barbershop, and the car drove away. Ten minutes after Lyken got home, Kendall arrived and told her the clerk had been killed.

Nicholas Ruiz, a friend of the victim who was inside the store during the shooting, gave police a description of the gunman within minutes. The shooter, Ruiz said, was a Black man in his forties, about five foot three, roughly 135 to 155 pounds, wearing a light gray three-quarter-length herringbone coat and a cap. Brian Kendall was seventeen years old, five foot seven, and 135 pounds. He looked nothing like the man Ruiz described.

There was, in fact, a plausible suspect. The victim's brother, William Reyes, told police that two days before the shooting, on February 22, Raphael and his nephew Tito Salgado had argued with a short, heavyset Black man, possibly of Jamaican descent, who had been selling drugs to customers inside the store. The man, referred to in police reports as "JD," threatened to shoot them after the store closed. On February 23, JD returned to the store. When he reached into his pocket as though grabbing for a gun, Salgado pulled a knife and swiped at him. JD left. On the day of the shooting itself, Salgado arrived at the store around 12:30 p.m. and found JD there again. They stared at each other and Salgado left. At 4:30 p.m. he called the store and was told JD was still there. When Salgado learned of the shooting and came to the scene, a neighborhood crack dealer told him, "You know why this

happened. It was because of yesterday." Police interviewed JD on February 26. He denied involvement. According to later reporting, the person believed to be the actual shooter is now deceased.

Despite this information, the investigation pivoted toward Brian Kendall.

Late on the evening of February 24, police spoke to a teenager named Analise Romero, who said she had been standing on the street after the shooting when a girl named Odilka, a friend of a friend, said to her, "Brian did it." Detectives tried to reach Odilka by phone, but her father cut off the call. When Odilka was finally interviewed on February 27, she told a different story. She said she had seen "Brian," whose last name she did not know, and Brian's girlfriend, as well as his brother Sheldon, outside the store. While Odilka was inside a nearby drugstore, she saw Brian and a crowd of others run by. When she came out and asked what happened, Brian told her that someone had been shot. Odilka's account was consistent with Kendall being a bystander, not a shooter. But by then, police had used her reference to "Brian" and "Sheldon" and their connection to the local school to pull Kendall's records and identify him.

The case against Brian Kendall rested on two witnesses. The first was a man identified in the CRU report only as F.F. In the early morning hours of February 25, the day after the shooting, F.F. told police that he had been in the store during the day and saw an argument between the victim and two teenagers who were brothers. He said both brothers had been outside "selling drugs for Moon." Then, F.F. said, both brothers came back into the store. The victim told F.F. it was okay to leave, and he did. He walked around the corner, heard gunshots, and looked back. He said he

saw the older brother come out of the store holding a "black automatic gun." The older brother ran to Flatbush Avenue, then came back on Cortelyou Road, then turned on 21st Street and went out of sight. F.F. did not give names or a physical description for either brother. He said only that he had seen the older brother "five or six times" in the neighborhood. On March 1, 1988, F.F. identified Kendall as the shooter from a photo array. The next day, after Kendall was arrested, F.F. viewed a lineup and identified him again, saying he was "the guy I saw leave the store with an automatic in his hand."

The second witness was a thirteen-year-old boy named Shawn Jones, who was living in a group home. Jones told police on February 27 that he had been in the store just before the shooting, playing a video game. He said "Brian" was among those in the store. He said he heard a gunshot and saw Brian holding a .25-caliber semi-automatic pistol in his extended right hand. Jones said Brian yelled, "Get out!" and everyone fled. Jones said he ran outside and heard two more gunshots. He said he circled the block and, when he got back to Cortelyou Road, saw Brian get into a gray car with tinted windows that pulled up in front of a pizza shop at 2117 Cortelyou Road. Jones said there was a "gust of wind" that blew up Brian's coat to reveal a weapon in his waistband. Jones did not know Brian's last name. He said he had seen him "on numerous occasions" in the neighborhood. Jones later identified Kendall in a photo array but never viewed him in a lineup.

These two witnesses were the entirety of the prosecution's case. And both were deeply unreliable, though the full extent of that unreliability would not be understood for decades.

The phenomenon of cooperating witnesses, sometimes called jailhouse informants when they testify from behind bars, is one of the most persistent sources of wrongful convictions in the United States. A cooperating witness is someone who provides testimony for the prosecution in exchange for some tangible benefit: a reduced sentence, a favorable letter to a parole board, dropped charges, or other considerations. The arrangement is straightforward. The witness gives the prosecution what it needs, and the prosecution gives the witness something in return. The problem is equally straightforward. A witness who stands to gain from his testimony has a powerful incentive to say whatever the prosecution wants to hear, whether or not it is true. Research compiled by the Innocence Project has found that incentivized informant testimony is one of the leading contributing factors in wrongful convictions, present in roughly 15 to 20 percent of DNA exonerations. The incentive does not have to be large to be corrupting. A letter to a parole board, a word to a judge, a small gesture from a prosecutor to a witness's lawyer can be enough to purchase testimony that sends an innocent person to prison. The danger is compounded when the defense does not know the arrangement exists, because without that knowledge, there is no way to challenge the witness's motives on cross-examination. The jury hears the testimony as though it came from a disinterested observer, never learning that the observer had every reason in the world to lie.

F.F. was a crack addict with a criminal record. Between the February 1988 shooting and the time Kendall pleaded guilty in July 1989, F.F. had been arrested four times. By the time of Kendall's plea, F.F. was in prison for possession and sale of crack cocaine. And in his file was a letter he had written to the

prosecutor handling Kendall's case, a man named Eric Bjorneby, asking Bjorneby to send "the letter you promised as soon as possible, so that it can be included in my release consideration at the parole board." Stapled to that letter was a handwritten note from Bjorneby. "I … confirm that [F.F.] cooperated with this office both in the investigation and prosecution of an important murder case against [Kendall]…wherein [Kendall] was charged with the shooting of a store clerk," Bjorneby wrote. The note continued: "It is our respectful request that [F.F.'s] substantial help in the context of this prosecution be taken in account in determining his release date and that every possible consideration be shown to him." Records showed that F.F. was released on the first date he was eligible.

Bjorneby never disclosed this leniency letter to Kendall's defense attorney. Under the court rules in effect at the time, prosecutors were not technically required to disclose such information before a guilty plea. The law was changed in 2019 to require prosecutors to turn over deals with potential witnesses, and though subsequent legislative amendments pared back some of those discovery reforms, the obligation to disclose witness agreements survived. But in 1989, none of that protection existed. The defense had no idea that the prosecution's star witness was a crack addict who had been promised help with his own prison case in exchange for his cooperation.

The second witness, thirteen-year-old Shawn Jones, presented a different kind of problem. Jones could not be found prior to Kendall's guilty plea. This information was also not disclosed to the defense. The prosecution pressed forward on the strength of these two identifications, one from a drug-addicted cooperator

and one from a missing teenager, while simultaneously possessing witness statements and physical evidence that pointed in a completely different direction.

After Kendall's arrest, his family hired a private attorney named Harry Dusenberry. Dusenberry interviewed at least five people who had been inside the game room at the time of the shooting. Every one of them said Kendall had nothing to do with the murder. Anthony Bobb said he was outside of the store when Kendall came out and said that a man, who was running up the street, had just shot someone inside. Bobb said he and Kendall flagged down a passing police car and then they ran after the gunman. Lawrence John said he was in the store playing Mario Brothers when a short fat man in his forties entered wearing a beige coat with his hands in his pockets. John said he heard gunshots and saw a gun in the man's hand. The man ordered everyone to get out. Simone Lyken, Kendall's girlfriend, said she was inside the game room with him when she saw a man wearing a dark brown hooded coat walk in and then she heard one shot. She said Kendall pulled her out of the store and told her to go home. Sheldon Kendall, Brian's brother, said that he was with Brian, Lyken, and others when a husky Black man came in and fired three shots. The man ordered everyone out. Sheldon said he, Brian, and others chased the gunman until he got into a car that drove away. Ordon Phillips, also in the game store, said he heard the shots and saw a man holding a gun, and that he was with the group that chased the gunman.

Many of these same witnesses also spoke to prosecutors at the time. The prosecution knew what they said. It did not matter. The district attorney insisted the two eyewitnesses, F.F. and the thirteen-year-old, were enough for a conviction and refused to drop the second-degree murder charges.

On March 24, 1988, a grand jury indicted Kendall on charges of second-degree murder and criminal possession of a weapon. He was held without bail on Rikers Island to await trial.

Rikers was brutal. Kendall was seventeen years old, held among adult inmates, awaiting trial for a murder he said he did not commit. He was, by his own account, repeatedly "jumped" for his clothes and food and had to fight constantly to survive. "You know how many fights I had?" he later asked a reporter. "How many times I was knocked out?" It was, he said, as though he had been kidnapped. Inside the precinct after his arrest, officers had put him in a lineup and refused to let him call a lawyer. "I was the only teen in the lineup," Kendall recalled. "The others were adults."

Kendall told THE CITY in a 2024 interview that when police came to his family's apartment in Flatbush about a week after the killing, he was stunned. "I thought it was a big mistake that they would correct," he said.

They did not correct it.

By mid-1989, the case was assigned to Judge Francis Egitto, who had a reputation for imposing maximum sentences. On June 12, 1989, the defense reported that the prosecution had made an offer: plead guilty to first-degree manslaughter in return for a sentence of seven to twenty-one years. Kendall rejected the offer.

The judge put the offer on the record, and his words left no ambiguity about what Kendall faced if he went to trial and lost. "The only reason I wanted [the offer] on the record," Judge Egitto said, "is so that if you should be convicted of the murder, you understand that my hands are tied. You have to get a life sentence."

Then Kendall's defense fell apart. The witnesses who had corroborated his account of the shooting, the friends and bystanders who had told Dusenberry that Kendall was not the gunman, began to disappear. Dusenberry reported to the court that Kendall's witnesses were "dropping out of sight." Without them, the case that had once looked like a "slam dunk" for the defense was collapsing. Dusenberry told Kendall's family that taking the case to trial would be "suicide," that Kendall would almost surely be convicted and sentenced to twenty-five years to life. The family was running out of money to pay the lawyer.

Kendall's mother was beside herself. "My mother was crying because of the anguish, the stress, the anxiety," Kendall recalled. She urged him to plead guilty, telling him he could rebuild his life after parole while he was still relatively young.

On July 19, 1989, Brian Kendall pleaded guilty to first-degree manslaughter. During the pre-sentencing interview, he denied shooting Reyes but said he agreed to plead guilty on the advice of his lawyer. On August 7, 1989, he was sentenced to eight and one-third to twenty-five years in prison. He was eighteen years old.

After the sentencing, Dusenberry encountered the prosecutor. What Bjorneby told him was remarkable, and it would haunt the case for decades. The prosecutor said he was surprised the case did not go to trial. The prosecution's case, Bjorneby said, was

weak. There were problems with the witnesses. One may have become unavailable and the other may have had "drug-related problems." The admission was staggering. The prosecutor who had refused to drop the charges, who had insisted the case was strong enough to take to trial, acknowledged after securing a guilty plea that the evidence was flimsy. Dusenberry thought Kendall had been "screwed," according to the CRU report. But he did not take any further legal steps to help him.

Kendall was first sent to Elmira Correctional Facility and then transferred to Coxsackie Correctional Facility, a maximum-security prison in Greene County. Over the course of his incarceration, he did time in sixteen state prisons. He trained as an electrician behind bars, learning a trade he would carry with him for the rest of his life.

His family did not survive intact. "This incident killed my family," Kendall said through tears during his interview with THE CITY. "My father used to say on the phone, 'I failed you my son.'" "You can't imagine your father telling you that," he added.

His mother developed cancer while he was incarcerated. As her condition worsened, Kendall stopped calling. "I stopped calling my mother because her voice started changing up, man," he remembered. "I didn't want to remember my mother like that." She died before his release. He was allowed to attend her funeral in handcuffs. "My mother is not at rest," he said. "This killed everybody in my family."

At six parole hearings, Kendall admitted responsibility for the crime. He did this because he believed it was the only path to eventual freedom. Parole boards in New York routinely consider whether an inmate has accepted responsibility, and denial of guilt,

even when the inmate is genuinely innocent, is frequently interpreted as a lack of remorse and used as grounds to deny release. Kendall understood the calculation. He said what the board wanted to hear. On December 20, 2004, more than fifteen years after his sentencing, Kendall was released from prison on parole.

Then came the second punishment.

For non-citizens in the United States, a criminal conviction can carry consequences that extend far beyond the sentence imposed by a judge. Under federal immigration law, a lawful permanent resident convicted of an "aggravated felony," a category that includes manslaughter, is subject to mandatory deportation. The law leaves almost no room for discretion. It does not matter how long the person has lived in the country. It does not matter whether the person arrived as a child, built a family, established a community, or holds no meaningful connection to the country of birth. The conviction triggers removal, and removal is virtually automatic. Defense attorneys have a professional obligation to advise non-citizen clients of the immigration consequences of a guilty plea, but in 1989, this obligation was poorly understood and inconsistently enforced. Kendall said he was never told he would be deported at the end of his sentence.

On January 22, 2005, roughly a month after his release from prison, Brian Kendall was deported to Guyana. He was sent back to a country he had left when he was eleven years old, a country where he had no home, no job, and few connections. He had spent his formative years in Brooklyn. He had gone to school in Flatbush. His entire family was in the United States. Now he was on the other side of the world, alone.

"It's been rough in Guyana," he told THE CITY. "Work isn't coming as anticipated. I'm just surviving to pay the rent." He struggled financially, initially sleeping on friends' couches. Eventually he found work as an electrician, the trade he had learned in prison, and settled into a modest apartment with a partner. His father died after his deportation. His remaining family, two sisters and a younger brother, lived in the United States, a country he could not enter.

The path toward exoneration began with a friend. Mark Denny, a fellow inmate whose wrongful conviction had been overturned by the Brooklyn District Attorney's Conviction Review Unit in 2017, told Kendall about the unit and gave him guidance on how to file a request to reinvestigate. Kendall reached out to Denny's lawyer and other attorneys for help, but no one had the bandwidth to take his case. So in 2019, from Guyana, Brian Kendall filed his own application before the CRU, praying someone there would give it a read.

The Brooklyn CRU was, by that point, nationally acclaimed and considered a model for similar units throughout the country. It had been expanded and revamped in 2014 under the late District Attorney Kenneth Thompson, and it had continued its work under Thompson's successor, Eric Gonzalez. Since 2014, the unit had recommended dozens of exonerations. But it also prioritized cases involving people still in prison, and Kendall was free, if living in exile on another continent could be called freedom. His application took years to resolve and went through multiple lead investigators. It became the longest outstanding application in the unit when Charles Linehan took over as chief in January 2022. Linehan vowed to clear a backlog of cases and,

during his three-year tenure, exonerated twelve people based on recommendations made by his staff. Kendall's case was still pending when Linehan departed for private practice in January 2025.

What the CRU found, over the course of its reinvestigation, dismantled the case against Brian Kendall from the ground up.

The unit reinterviewed all available witnesses, police officers involved in the case, Kendall's defense lawyer, and the prosecutor. Many of the key figures, including the two lead detectives, Dennis Minogue and James Rooney, were no longer alive.

The CRU located archived police radio transmissions from the night of the shooting. Those transmissions recorded officers in a police car near the crime scene, shortly after the shooting, observing a group of teenagers chasing a possible suspect. The radio reports corroborated the account that Kendall and his friends had given from the very beginning: that they chased the gunman, not that Kendall was the gunman. The CRU report noted that these transmissions "in ways undermine the credibility" of F.F. and Shawn Jones.

The CRU spoke to the responding police officer who had taken Nicholas Ruiz's statement immediately after the shooting. The officer told investigators that he considered Ruiz to be a good witness, and that Ruiz's description of the gunman did not resemble Kendall. The officer had become aware of Kendall's arrest, and "he did not believe that [police] had arrested the right person." The officer spoke to the lead investigator on the case, Detective Dennis Minogue, about the fact that Kendall had been at the scene of the crime shortly after the crime. The officer was "pretty sure" that Minogue had agreed with that fact.

The CRU reinterviewed Kendall's original defense witnesses. They stood by their accounts. Anthony Bobb, Lawrence John, Simone Lyken, Sheldon Kendall, and Ordon Phillips all maintained what they had said in 1988. An additional witness, Rodwell John, who had not previously spoken to investigators, also told the CRU that Kendall was not the gunman.

Tito Salgado, the victim's nephew, told the CRU that he knew F.F. well, that he did not recall F.F. being in the store on the day of the homicide, and that he believed JD was behind his uncle's death. Salgado said Kendall was innocent. Another relative of the victim said he knew F.F. well, that F.F. was a crack user and seller, and that F.F. had never mentioned seeing the shooting. When the CRU reinterviewed F.F. himself, F.F. said he remembered that the uncle of his friend Tito had been shot, but he did not recall having seen the shooting or having any information about it. He said he had turned his life around and "did not like to recall the earlier period when he was 'lost to crack.'"

In all, the CRU identified fifteen witnesses whose statements tended to exculpate Kendall. Against those fifteen, the prosecution's case had rested on two: a crack-addicted cooperator who had received a secret leniency letter and who now could not remember seeing the shooting at all, and a thirteen-year-old who could not be found then and could not be found now.

The CRU also uncovered the full extent of prosecutor Eric Bjorneby's arrangement with F.F. The leniency letter, the handwritten note, the promise of early release. And it discovered something broader, something that placed Kendall's case within a pattern far larger than a single prosecution in a single game room in Flatbush.

The phenomenon of a single prosecutor being linked to multiple wrongful convictions is one of the most troubling features of the American criminal justice system. When the same assistant district attorney appears in case after case that later unravels, the implication is not merely that individual mistakes were made. It suggests a pattern of practice: a willingness to rely on weak evidence, to overlook exculpatory information, to use cooperating witnesses whose reliability was questionable, to pursue convictions over justice. Prosecutors wield enormous power. They decide whom to charge, what evidence to present, and what deals to offer. When that power is exercised carelessly or aggressively across multiple cases, the result is not one wrongful conviction but a cascade of them. And yet, as an investigation by The Indypendent documented in May 2024, accountability for prosecutors whose cases are later overturned has been virtually nonexistent. Not a single assistant district attorney experienced any public repercussions for overseeing a flawed murder conviction involving the notorious Brooklyn detective Louis Scarcella, despite twenty-one such cases resulting in reversed verdicts. Prosecutors in those overturned cases went on to become judges, district attorneys, congressional representatives, and bureau chiefs.

Eric Bjorneby was one of them. In addition to the Kendall case, Bjorneby served as the prosecutor in the cases of Darryl Austin and Alvena Jennette, a dual-defendant case that was reversed by the Brooklyn CRU in 2014 after both had spent years in prison. He was also the prosecutor in the cases of Willie Stuckey and David McCallum, another dual-defendant case that was exonerated in October 2014. Four exonerations from Bjorneby's caseload, and now a fifth in Kendall. Bjorneby, meanwhile, went on to become a

Nassau County judge. The Brooklyn DA's office never conducted a systematic review of his prosecutions. "We never found a pattern that merited an investigation of any individual prosecutors," a former ADA who worked in the CRU told The Indypendent. The pattern, however, was visible to anyone who cared to look.

The CRU's 35-page report was completed on June 30, 2025. Its conclusion was unequivocal. "A review of the entire record and interviews of material witnesses shows that it is likely that defendant was not the shooter or any way involved in the crime," the report stated. "Any consideration of a new prosecution is untenable. Almost 37 years later, memories have faded, and witnesses cannot be found or have passed away." The report continued: "The prosecution's witnesses, on the other hand, provided statements that were inconsistent with each other and inconsistent with the police radio transmissions in ways that undermine the credibility of both witnesses. Given these facts, CRU has no confidence in the integrity of the conviction."

Kendall had provided, the CRU found, "a coherent account of the shooting that was supported not only by five of his friends and his brother but also by Nicholas Ruiz, a friend of the deceased, whose account was nearly identical to the defense statement: in those accounts, [Kendall] was not the shooter, and he and his friends chased the real shooter from the game room to the corner of Beverly Road and Flatbush Avenue. This chase, in turn, was corroborated by the observations of police officers that were memorialized in contemporaneous radio transmissions, and defendant's return to the game room was observed and remembered by the responding…Officer."

On July 1, 2025, Brian Kendall appeared before Brooklyn Supreme Court Judge Matthew D'Emic. He appeared virtually, from Guyana, because his deportation order remained in effect and he could not reenter the country. David Crow, Associate Appellate Counsel and Director of Pro Bono for Criminal Appeals at The Legal Aid Society, represented him. Crow had taken on Kendall's case the previous year and had urged the CRU to vacate the conviction.

The hearing was, by all accounts, a formal proceeding freighted with decades of grief. Judge D'Emic vacated Kendall's conviction and dismissed the indictment, following a joint motion by the DA's office and Legal Aid. It was the forty-first conviction vacated by the Brooklyn CRU since 2014. Forty of those forty-one exonerees were people of color. Thirty-nine were men. One was a woman.

District Attorney Eric Gonzalez issued a statement. "Our system failed Brian Kendall when he was encouraged to plead guilty without full understanding of evidence against him," Gonzalez said. "Our investigation found that eyewitnesses corroborated his long-held account of events." Gonzalez emphasized that Kendall's admission of responsibility at parole hearings did not contradict the conclusion that he was likely innocent, given the circumstances that had produced the plea.

Crow, speaking after the hearing, captured the duality of the moment. "It's obviously a bittersweet moment for Brian," he said. "All these years, all that incarceration, so many years in exile from the country where his family now lives."

Kendall spoke from Guyana. “I was just a teenager when my life was taken from me for something I didn’t do,” he said. “For years, I carried the weight of a conviction that never should have happened. Today’s action doesn’t erase the pain or the time I lost, but it does give me hope. I’m deeply grateful to The Legal Aid Society and District Attorney Gonzalez for finally uncovering the truth and helping me clear my name. I only wish my mother and father were alive to see this day.”

He also spoke about the damage in terms that no legal proceeding could address. “The damage it has done to the mind, to the soul, it rips out and leaves you empty,” he said. “Climbing up from that is a lifelong battle.”

Though appreciative of the DA’s reinvestigation, Kendall said he hoped his case would help other young Black men caught in the same machinery.

Kendall’s defense attorney, Dusenberry, who had told the family it would be suicide to go to trial, who had learned after the plea that even the prosecutor thought the case was weak, who had thought Kendall was “screwed” but had not taken any further legal steps, did not return a call or email seeking comment from THE CITY.

The exoneration cleared Kendall’s name, but it did not bring him home. Because the conviction had been vacated, it could no longer serve as the legal basis for his deportation, and his legal team announced plans to pursue his return through the Board of Immigration Appeals. Crow confirmed that the vacated conviction could no longer sustain the deportation order and that Kendall intended to attempt to return to the United States, where his sisters and brother still lived.

Brian Kendall is fifty-five years old. He lives in a modest apartment in Guyana with his partner. He works as an electrician, a trade he learned inside the walls of a New York state prison where he should never have been held. He is, by the formal determination of the Brooklyn District Attorney's Office, likely innocent. He lost sixteen years and eight months to incarceration. He lost twenty more years and counting to deportation. He lost his mother, whom he last saw through the chain links of handcuffs at her funeral. He lost his father, who went to his own grave believing he had failed his son. He lost the country where he grew up, the neighborhood where he went to school, the family that lived around the corner from a game room on Cortelyou Road.

The murder of Raphael Reyes remains, for all practical purposes, unresolved by the legal system. The prosecution's theory that Brian Kendall was the gunman has been abandoned. The witnesses and detectives who built the original case are dead or unable to remember. The trail is thirty-seven years cold. A man was shot three times in a game room in Flatbush, and the system that was supposed to find his killer spent nearly four decades punishing someone who tried to chase the killer down.

Chapter 5: The Man Who Wouldn't Lie

On February 17, 1993, ten-year-old Jessica Meindl came home from school and found her mother's body on the dining room floor. Deborah Meindl, a thirty-three-year-old nursing student and mother of two, lay amid overturned furniture and broken glass. Her arms were handcuffed behind her back with a pair of handcuffs that belonged to the household. A necktie had been used to strangle her. She had been stabbed multiple times with a steak knife. Blood covered the floor, the furniture, and her coat. In the kitchen, a five-inch steak knife was found in a drawer, its blade stained with blood. A plastic drawer divider, a dog toy, and a gravy boat all bore traces of blood as well. A window screen appeared to have been cut, and the window was slightly open. There had clearly been a vicious struggle.

The Meindls lived in Tonawanda, New York, a working-class suburb just north of Buffalo. Deborah had returned home from nursing school that afternoon between 2:00 and 2:30 p.m., according to Norma Richau, a neighbor who saw her arrive. Richau also told police she had seen a young man, about five feet ten, walk up the Meindl driveway around 10:00 a.m. that morning,

open a gate, and walk behind the house. A postal worker who delivered the mail that day heard someone inside the house during delivery. The family dog, which usually barked, was silent. The person inside took in the mail but did not say hello to the letter carrier the way Deborah always did.

Seven-year-old Lisa Meindl, Deborah's younger daughter, was not the one who found the body. She would grow up knowing only fragments of the violence that had been done to her mother, and those fragments would shape the rest of her life.

The Tonawanda Police Department responded to the scene. The investigation was led by Detective David Bentley, described in contemporaneous accounts as a veteran officer with a reputation for closing cases. Bentley documented the crime scene with video evidence, and officers collected items for blood samples and fingerprints. The initial evidence was contradictory in important ways. Footprints in the snow led to the window with the cut screen, but a state forensic expert would later determine that the screen had been cut from the inside, as if to simulate a break-in. There were no signs of forced entry through a door. The crime scene looked, in some respects, like a burglary interrupted. But in other respects, it looked staged.

The investigation turned first to the person closest to the victim. Donald Meindl, Deborah's thirty-three-year-old husband, managed a Taco Bell at the Galleria Mall. He carried a $50,000 life insurance policy on his wife. On the day of the murder, he had been at work, where he was fired for sexual harassment of female employees. He was also carrying on a relationship with a seventeen-year-old employee. The couple had what was described

as an open marriage, and Bentley's initial report noted the presence of handcuffs and items associated with sexual bondage in the home.

In March 1993, a friend and potential business partner of Donald Meindl's named Michael Vento told police that Meindl had frequently complained about wanting to divorce Deborah and move to California to open pizza restaurants, but that his money was tied up in the house and with his wife. Vento said Meindl asked him how much it would cost to hire someone to kill her. According to a statement introduced at trial, Vento said Meindl told him he "would make it easy by either leaving a door open at his home or supplying a key and make sure it was when his wife was alone." Meindl also said, according to Vento, that "it should be made to look like a robbery." After Deborah's death, Meindl paid Vento $300. When asked about the payment at trial, Meindl said it was to find out what Vento knew about the murder. When asked about the statements Vento attributed to him, Meindl said he had been joking.

Police asked Vento to record several conversations with Meindl. Officers also looked at David Oravec, a man who worked with Donald Meindl. They had Oravec walk up the driveway while Richau, the neighbor who had seen the young man that morning, watched. Richau said Oravec "looked like the guy she had seen going up the driveway."

But the investigation soon took a different path. In the weeks after the murder, police received a tip from a purported FBI informant that twenty-two-year-old Brian Scott Lorenz might have been involved in the crime. Bentley would later acknowledge that the informant was Nancy Hummingbird, a woman who would

become one of the prosecution's central witnesses. The tip came on February 22, 1993, five days after the murder. Hummingbird's most damaging statement against Lorenz and his associate James Pugh would not come until June 23, 1993, four months later.

On May 1, 1993, Lorenz and a man named James Baglio were arrested near Sioux City, Iowa, while driving a stolen vehicle. Police found 263 half dollars and 35 silver dollars in a duffel bag. One of the coins was a 1921 Morgan S silver dollar housed in a cardboard sleeve. Donald Meindl would later identify that coin as a gift from his parents, given to Deborah as a Christmas present in 1992. He said he recognized the handwriting on the cardboard sleeve and testified it matched writing on two other sleeves in his collection, though he said he did not know whose handwriting it was. Jessica Meindl also testified that the silver coin had belonged to her mother and that she remembered seeing it on her mother's dresser.

That single coin would become the linchpin of the prosecution's case. It was the only piece of physical evidence that prosecutors could argue connected either defendant to the crime scene. Everything else was secondhand testimony from witnesses who claimed they had heard Lorenz and Pugh talk about the murder.

On May 7, 1993, six days after his arrest in Iowa, Lorenz gave a statement to police implicating himself and thirty-year-old James Pugh in the crime. In Lorenz's account, Pugh planned the burglary, killed Meindl, and abandoned Lorenz at the scene. Lorenz would later say that the confession was false and that he gave it because he wanted to return to New York and avoid a potentially lengthy incarceration in Iowa for the auto theft. His

statement said Meindl had been hog-tied with a cord. It made no mention of a knife, handcuffs, or a necktie. The details of the actual crime scene, in other words, were absent from the confession of the man who supposedly witnessed it.

Bentley interviewed Baglio in Iowa on May 9. Two months later, on July 23, 1993, Baglio gave a statement implicating Lorenz and Pugh in the murder.

James Pugh, meanwhile, had been arrested on an unrelated burglary charge on May 16, 1993, and placed in the Erie County Jail in Buffalo. Pugh was thirty years old. He and Lorenz were drug users who supported their habits through burglary and other crimes in the Buffalo area. Pugh did not deny that he was a burglar. What he denied, from the very first moment and every moment after, was that he had anything to do with the murder of Deborah Meindl.

Bentley interviewed Pugh at the jail in the days after his arrest. Pugh gave two statements implicating Lorenz in the crime. Pugh would later say that Bentley provided him with information to make his statements more credible and placed twenty dollars in his commissary account as a reward. The dynamic between Bentley and Pugh, as Pugh described it, was not that of a detective extracting a truthful confession from a guilty man. It was the dynamic of a detective feeding a narrative to a vulnerable prisoner and paying him to adopt it.

On August 3, 1993, a grand jury indicted Lorenz and Pugh on charges of murder, burglary, and menacing.

After the indictment, the prosecution offered Pugh a deal: plead guilty to manslaughter and implicate Donald Meindl in his wife's murder. Pugh refused. The offer itself was revealing. If prosecutors believed their own theory of the case, that Pugh and Lorenz had killed Deborah Meindl during a burglary gone wrong, then why were they trying to get Pugh to implicate the victim's husband? The answer was that the evidence against Donald Meindl had never gone away. Multiple witnesses said he had spoken about wanting his wife dead. He had a financial motive. He had told his friend Vento that the killing should be made to look like a robbery. The screen had been cut from the inside. But the investigation had been channeled toward Lorenz and Pugh, and the prosecution chose to run with the case it had built.

Their joint trial in Erie County Supreme Court began on March 7, 1994. Justice Mario Rossetti presided. Joseph Terranova represented Lorenz. Michael Clohessy represented Pugh. Assistant District Attorney Jonathan Coughlan served as the prosecutor.

The prosecution did not introduce Lorenz's or Pugh's statements to police. This was a significant choice. The statements, with their inaccuracies and contradictions, might have done the prosecution more harm than good if subjected to cross-examination. Instead, the prosecution built its case almost entirely around secondhand witnesses who claimed they had heard Lorenz and Pugh talk about the crime in its aftermath, and around the silver dollar. There were no eyewitnesses to the murder. There was no fingerprint evidence connecting either man to the Meindl house. Coughlan acknowledged this openly. "This is not a case,

ladies and gentlemen, involving a lot of forensic evidence," he told the jury. "We don't have any fingerprints to put them there. We don't have his blood or something to put him there."

What the prosecution had was a parade of witnesses, each with reasons to cooperate with police, and each delivering a version of events that had, in critical respects, been shaped by Detective Bentley.

The phenomenon of witness coercion by police is distinct from the false confession dynamics that have been documented in cases like Brian Boles's. In a false confession, the suspect himself is broken down through interrogation until he adopts the detective's narrative. In witness coercion, the process is more diffuse. The detective approaches people in the suspect's orbit, people who are themselves vulnerable because of criminal records, addiction, outstanding warrants, family situations, or financial need, and applies pressure to each one individually. The detective may threaten to charge a witness as an accomplice. He may threaten to take away a witness's children. He may offer money or alcohol or the promise of leniency on an unrelated matter. He may feed the witness specific details about the crime so that the resulting testimony will sound convincing. The effect is cumulative. No single witness may seem decisive, but together they create the appearance of overwhelming evidence. A jury hears five, six, seven people all saying the same thing, and the sheer volume of corroboration is persuasive. What the jury does not see is the single hand that orchestrated all of it.

When a case is distorted by a corrupt detective, the resulting damage goes far deeper than a single piece of fabricated evidence or a single coerced confession. The detective controls who is

interviewed and who is not. He controls what information reaches the witnesses and what information is withheld from the defense. He can steer the investigation away from suspects who might actually be guilty and toward suspects who are convenient. He can suppress alibi evidence, intimidate potential defense witnesses into silence, and create a paper trail that appears thorough but is, in reality, a carefully constructed fiction. The pattern of a single corrupt detective distorting an entire investigation is one of the most dangerous failure modes in American criminal justice, because every piece of evidence that passes through that detective's hands is potentially contaminated.

In the case of Deborah Meindl's murder, that detective was David Bentley.

Nancy Hummingbird, a longtime friend of Pugh's, was the prosecution's star witness. She testified that Lorenz and Pugh left her house early on February 17 to "do a scam" in Tonawanda. She said the two men returned at around 4:00 p.m., and that she noticed red stains on Lorenz's sweatshirt. Later that night, Hummingbird testified, Lorenz told her that a person had surprised them while he and Pugh were committing a burglary. According to Hummingbird, Lorenz said the victim was a "big dude … 250 pounds, like a tank." Deborah Meindl weighed 230 pounds. Lorenz said the victim would not stop screaming, Hummingbird testified, so he punched them in the face and strangled them with a tie. Instead of shooting them, he stabbed them with a knife. According to Hummingbird, Lorenz called the murder the "ultimate rush." While Lorenz talked, she said, Pugh paced and shook his head. The next day, the men returned to her house and asked for advice on fleeing the state.

Under cross-examination, the foundation of Hummingbird's testimony began to fracture. She acknowledged that Bentley had threatened to implicate her son, Gabriel Rodriguez, known as Doobie, in the murder if she did not cooperate. A defense attorney pressed her: "Let's get down to brass tacks here. You told him you would do anything to help Doobie out of this situation, didn't you?"

Hummingbird answered: "If you say I said it, I must have said it. Any mother would."

Jeffrey Oryszak testified that he saw Pugh and Lorenz the day after Meindl's death and that Pugh told him Lorenz had gotten carried away during a burglary and killed someone. He testified that the defendants bragged about it and said the victim was big and "kept coming back for more." He also said Lorenz described the murder as "an ultimate rush." Oryszak testified that Pugh had called him before the grand jury and threatened him, saying he had "people on the outside."

James Baglio testified that he was with Pugh and Lorenz when they discussed the burglary. According to Baglio, Pugh said, "the fat bitch came through the door, we beat the fuck out of her, took all her shit and left." Baglio also said Lorenz later threatened a female acquaintance with a gun, telling the woman, "Don't you ever diss me, or I'll kill you just like I did that bitch from NT." NT was shorthand for North Tonawanda. Baglio testified that Lorenz was already in possession of the silver dollar in the cardboard sleeve when they left Buffalo for Iowa. Baglio said he received no benefits in exchange for his testimony.

Carlos Gonzalez said he met Lorenz in March 1993. He testified that Lorenz told him he needed a place to stay because the police were looking for him. Gonzalez said Lorenz told him he had killed a person and showed him a duffel bag containing stolen jewelry. Gonzalez testified that he offered to testify against Lorenz in exchange for his own release from jail.

Dennis Wagner, a jailhouse informant who had met Pugh in 1988 and was in jail with him after Pugh's arrest in 1993, testified that Pugh "said he was doing a burglary with a friend of his, and that when he was doing the job, I guess the lady came home that lived there, and when she came home, he said the guy he was with grabbed her and [Pugh] said that he found a set of handcuffs in the bedroom." According to Wagner, Pugh told him the person he was with strangled the woman with a cord. Wagner had an extensive criminal record. This was the third time he had testified in a murder case based on a purported confession he claimed to have heard while in jail.

Annette Rowe said she met Lorenz at a party in the weeks after the murder. She testified that Lorenz and a man named Scott Fish told her about an incident at a house in Tonawanda, where a woman walked in while Lorenz was committing a burglary. Rowe said Lorenz told her he punched the victim and stabbed her. She said Lorenz displayed some coins he said he had stolen and demonstrated on Fish how he killed the victim. Rowe testified that she thought Fish was Lorenz's accomplice. "All I heard was what Scott Lorenz and Scott Fish had told me they had done to a woman in Tonawanda," she said. She also said she "believed" and "didn't believe" their story.

James Catherwood, who had been at the Iowa Reformatory with Lorenz prior to Lorenz's extradition to New York, testified that Lorenz told him he had killed a "fat pig" by cutting her throat and that "doing somebody is the ultimate rush." Catherwood also said he heard Lorenz describe the victim as "tied up with electrical cord and her throat was cut and she was slashed up, burnt with cigarettes." His account did not match the physical evidence. Deborah Meindl's throat had not been cut. She had not been burned with cigarettes. She had not been tied with electrical cord. Catherwood also testified that he initially told investigators he knew nothing about Lorenz's involvement with the crime.

Donald Meindl took the stand. He admitted to the affair with the seventeen-year-old employee and to being fired on the day of his wife's death for sexual harassment. He acknowledged that police had considered him a suspect. He said he did not kill his wife and did not arrange for anyone else to kill her. He identified the 1921 Morgan silver dollar found with Lorenz and Baglio in Iowa. He said he received a $50,000 life insurance settlement after Deborah's death.

Officer James Clark of the Sioux City Police Department testified about the arrest of Lorenz and Baglio in Iowa. He said he remembered the 1921 silver dollar because it was old and rare. "Those types of coins are few and far between," he said.

That testimony was wrong. The 1921 Morgan S silver dollar was not rare. The United States Treasury had minted 21.6 million of them. Decades later, a former FBI agent named Bob Wittman, an expert on rare coins, would testify that between two million and four million of these coins were still in circulation in 1993. The lay testimony at trial was incorrect. The coin was common. And

identifying one 1921 silver dollar from another by eyesight alone was, according to Wittman, impossible. The police should have asked Donald Meindl to view an array of coins, similar to a photo array for suspect identification. “To show one coin would be very suggestive,” Wittman testified at a later hearing, because “the witness is only looking at one coin, and that would create an assumption that that would be what the detective wants him to say.”

After the testimony of Bentley and another officer, the jury also heard that Vento, Donald Meindl’s friend, had told police that Meindl tried to hire him to kill his wife. Vento himself did not testify.

Dr. John Simich, a senior forensic scientist at the Erie County Central Police Services Forensic Laboratory, testified about blood found under Deborah Meindl’s fingernails. His testimony was confusing and contradictory. He initially testified that rudimentary DNA testing “could not eliminate” Lorenz as contributing to the blood found under the fingernails. Later in his testimony, Simich appeared to reverse himself, saying further testing eliminated Lorenz as a contributor. Lorenz’s attorney, Terranova, stipulated to a finding that further testing found only Deborah Meindl’s blood under her fingernails. That stipulation would later prove to be a significant mistake, because it papered over the ambiguity of the forensic evidence without the benefit of the advanced DNA testing that would become available decades later.

Coughlan, the prosecutor, acknowledged in his opening remarks that he did not have to explain how Meindl’s attackers entered the house. This was a preemptive concession. The state’s

own forensic expert had testified that the cut window screen had been cut from the inside, which undercut the burglary theory. In his closing argument, Coughlan tried to explain this away. “Now, you heard that the screen was cut from the inside,” he said. “Yep, that’s what the lab said, yes. Let me ask you this. You take a knife, you’re on the outside of that screen, you push in you pull out. It looked like it was cut from the inside … That’s just a possibility. Remember, I don’t have to prove how they got in the house.”

Coughlan referred to the silver dollar fifteen times in his closing argument. “Do you really think it’s just a coincidence that if [Lorenz is] innocent, [a] totally innocent man, [he] is going to have this coin with him when he’s out in Iowa?” he asked the jury. Even Lorenz’s own attorney, Terranova, conceded the centrality of the coin. “The prosecution has structured its proof around this coin,” Terranova told the jury. “The only link to the crime scene with Scott Lorenz is this coin.”

Neither Lorenz nor Pugh testified at trial.

During deliberations, the jury asked to review Simich’s testimony. Justice Rossetti first read back the stipulation, which said that only Meindl’s blood was found under her fingernails. The jury then asked to review Simich’s entire testimony, which included his initial statement that DNA testing did not eliminate Lorenz as a contributor. The jury was left to reconcile those two positions on its own.

On March 17, 1994, the jury convicted Pugh of second-degree murder and first-degree burglary. It acquitted him of first-degree murder. Lorenz was convicted of first-degree murder, second-degree murder, and first-degree burglary.

“How can you find me guilty of something like that,” Pugh said in the courtroom, according to the Buffalo News.

“I can’t listen to this anymore,” Lorenz said as the jury was polled.

Prior to sentencing, Lorenz made a statement. He said Pugh had nothing to do with Meindl’s death. He said that he and Baglio had killed the woman during the burglary. Lorenz also claimed that Donald Meindl had approached him about killing his wife and then paid him $15,000 up front and another $5,000 after the death. “This was written for the sole reason that Donald Meindl and James Baglio are not going to get away with murder, and I’m not going to prison alone,” Lorenz said in a letter to his attorney. Pugh’s attorney, Clohessy, moved to set aside the verdict based on this statement, but the effort collapsed when Baglio produced a strong alibi and a woman Lorenz said could corroborate his story recanted her supporting affidavit. Lorenz later withdrew both confessions.

During this same period, prosecutors again offered to recommend a reduced sentence for Pugh if he would implicate Donald Meindl in his wife’s death. Again, Pugh refused. He was offered the chance to shorten his time in prison. All he had to do was accuse another man. He would not do it. Whatever else could be said about James Pugh’s life, the burglaries and the drug use and the time spent on the margins, he would not trade a lie for his freedom.

Justice Rossetti sentenced both men to life in prison. Pugh was eligible for parole after twenty-five years. Lorenz was eligible after thirty-seven and a half years.

Both men appealed their convictions. Lorenz argued that there was insufficient evidence and that the state needed to establish a chain of custody for the 1921 silver dollar. The Appellate Division affirmed his conviction on February 2, 1996. Pugh argued that Lorenz's post-conviction statement was new evidence of innocence, that the evidence was insufficient, and that he had been prejudiced by the witnesses who testified about Lorenz's incriminating statements. A panel from the Appellate Division, including three of the same justices who had ruled on Lorenz's appeal, affirmed Pugh's conviction on February 7, 1997.

James Pugh went to prison. He maintained his innocence. He would maintain it for more than twenty-five years.

In the summer of 2015, a New York attorney named Zachary Margulis-Ohnuma and his colleague Jeff Hetzel first spoke with Pugh about his case. By that time, it looked like a lost cause. The case was in Buffalo, Pugh was incarcerated at Cape Vincent Correctional Facility near the Canadian border, and seven witnesses had testified against him. Lorenz had confessed on the record twice, implicating Pugh the first time and exonerating him the second time, and had withdrawn both confessions immediately after making them. There was the coin. It did not seem like there was anything a lawyer could do for James Pugh.

But Hetzel dug into the trial file. He read the transcripts. He examined the seven "confessions" and the coin evidence. He realized that most of the trial evidence actually pointed to the victim's husband. Donald Meindl was the one who claimed the coin came from the crime scene. Each of the secondhand witnesses was, as Margulis-Ohnuma described them, "a sketchy character, easily manipulated by aggressive police." The prosecution's star

witness was an alcoholic who had been plied with liquor by the lead detective. On tapes made by Bentley, Margulis-Ohnuma would later write, you could hear the slur in Hummingbird's speech.

Lorenz already had attorneys from the civil rights firm Emery Celli Brinckerhoff Abady Ward and Maazel. Partner Ilann Maazel and attorney Alanna Kaufman were committed to Lorenz's case. If Lorenz was innocent, it was clear that Pugh was too. Tess Cohen, another ZMO Law attorney, joined the team, along with investigator Stephen Abreu.

In 2017, attorneys for both Pugh and Lorenz filed a joint motion for post-conviction DNA testing. They argued that if modern forensic testing excluded both defendants from the biological evidence collected at the crime scene, there would be a reasonable probability that the verdict would have been different. Prosecutors resisted. They argued that DNA testing would be pointless. A judge granted the motion on August 21, 2018.

The Erie County Department of Police Services Forensic Laboratory conducted testing on the knife blade, the necktie, socks, and clothing worn by Meindl, comparing this evidence against buccal swabs provided by Pugh and Lorenz.

On December 13, 2018, the lab reported its findings. Pugh and Lorenz were eliminated as contributors to the genetic material found on these articles. In almost every instance, the testing revealed that the DNA found on these items included Deborah Meindl and an unknown male contributor. Someone else had handled the knife used to stab her. Someone else's DNA was on the necktie used to strangle her. Someone else's genetic material was on her clothing. That person had never been identified.

The DNA results are best understood in the context of what the jury had been told at trial. The prosecution acknowledged from the outset that there was no fingerprint evidence and no blood evidence connecting the defendants to the crime scene. The jury convicted anyway, based on the secondhand testimony and the silver dollar. But the 2018 testing went further than the absence of evidence. It affirmatively demonstrated the presence of someone else. The unknown male DNA on the murder weapon and the ligature was not just a gap in the prosecution's case. It was evidence pointing toward a different perpetrator entirely.

In the law, evidence that another person committed the crime is known as alternate suspect evidence. Its legal significance is substantial. When forensic testing identifies an unknown contributor's DNA on a murder weapon, on the ligature used to strangle a victim, and on the victim's clothing, it creates the possibility that the person convicted of the crime is the wrong person. That possibility is particularly powerful when, as in Pugh's case, the convicted person was never connected to the crime scene by any physical evidence in the first place. The suppression of alternate suspect evidence, or the failure to investigate alternative suspects, can itself constitute a violation of the Brady obligations that require prosecutors to disclose favorable evidence to the defense. The prosecution's duty is not merely to convict. It is to seek justice, and justice requires that evidence pointing away from the defendant reach the people who need to see it.

Pugh had been denied release on parole in 2018, after twenty-five years in prison with what the board acknowledged was a stellar record. In the spring of 2019, his attorneys sent the DNA results to the Parole Board. A month later, on April 10, 2019, Pugh

was released. In its decision, the parole board wrote: “As noted during the interview, the panel did not retry the case and does not take a position on … your claims of actual innocence, but we do note that you have maintained your innocence all along and that you continue to make progress in your efforts at exoneration.”

Pugh went to live with a family member. He found work building fences. Parole is not exoneration. He remained a convicted murderer in the eyes of the law.

While the legal team prepared for the next stage, the witnesses who had testified for the prosecution began to tell a different story.

In 2011, Nancy Hummingbird had signed an affidavit saying she was drunk when she spoke with Bentley, that he fed her testimony, and that she did not know what she was signing. She said Bentley always brought sangria when he came to speak with her and “offered to help me financially … if I told him things he wanted to hear.” Hummingbird’s daughter, Destini Rodriguez, said in a sworn statement that Bentley plied her mother with alcohol to extract her testimony. “It wasn’t right to take a statement from my mother while she was in this condition,” Rodriguez said.

Destini Rodriguez was also the fiancee of Jeffrey Oryszak, one of the other prosecution witnesses. She had initially given a statement inculpating Pugh and Lorenz, but she later told Bentley that statement was false. She said Pugh could not have been involved in the murder because the two of them were having an affair and Pugh did not leave her house until around 2:00 p.m. on the day of the killing. If Rodriguez had testified at trial, she would have provided Pugh with an alibi and directly contradicted Oryszak’s testimony. She did not testify.

In 2005, Oryszak told Pugh in a recorded conversation that he had testified falsely because Bentley pressured him and threatened to take his children away. Oryszak said Bentley fed him details about the crime, including the use of the necktie and the number of times Meindl was stabbed. “Bentley was filling in, filling in shit, how many times she was stabbed or whatever,” Oryszak said on the recording. “How it happened and stuff. He was actually telling us this.” After the trial, Oryszak said, he reported Bentley’s conduct to another Tonawanda police officer.

Baglio also recanted. He told Margulis-Ohnuma on September 18, 2020, that neither Pugh nor Lorenz ever made any inculpatory statements about the Meindl murder. Baglio said he did not understand the significance of the 1921 silver dollar, but that the police “pushed him” to falsely say Lorenz had the coin when he and Baglio left Buffalo.

Wagner, one of the two jailhouse informants who testified at trial, told investigators in the later reinvestigation that Pugh had never confessed to him.

Carlos Gonzalez told investigators that he was “not sure whether his testimony was true.” He said he remembered seeing Lorenz with stolen jewelry and hearing a television story about Meindl’s death and “assumed that the two events were related.”

Gabriel Rodriguez, Hummingbird’s son, corroborated his sister Destini’s account that Bentley had given their mother alcohol.

The pattern was unmistakable. Witness after witness described the same sequence: Bentley approached them, Bentley pressured them, Bentley threatened them or enticed them, Bentley fed them

details about the crime, and then Bentley presented their resulting statements as independent corroboration of each other. The witnesses were not independently confirming the same story. They were repeating the same story because the same detective had given it to all of them.

On March 11, 2021, Lorenz filed a motion for a new trial. Pugh joined the motion on March 22, 2021. Along with the DNA results, the motions presented the recantations, the alibi evidence, and evidence that the prosecution had suppressed exculpatory material at trial.

The motions also addressed the silver dollar directly. Cyril Meindl, Donald Meindl's father, had told a defense investigator in 1995 that he had "told the police he could not identify the coin" and that over the years he had given numerous coins away as gifts. The coin was not rare. It was one of millions. Donald Meindl had not mentioned the silver dollar in his initial itemization of stolen items.

On May 20, 2004, a piece of evidence had surfaced that opened an entirely different avenue of investigation. Maria Oravec, the ex-wife of David Oravec, called the sheriff's department in neighboring Niagara County in connection with a fire she believed might involve her former husband. In her statement, Maria Oravec said that prior to their marriage, Oravec told her that he had killed Deborah Meindl for $10,000. "David said Don was upset about his wife holding money back and that he wanted to open some type of pizza or sub shop," Maria Oravec told police. "David told her that he killed Deborah with a knife, he said that he tied her up with like a clothesline, ransacked the house to make it look like a burglary and stabbed her."

Two weeks later, on June 4, 2004, Oravec's brother, Daniel, told police that David Oravec had admitted to helping kill Deborah Meindl at Donald Meindl's request, "because Don wanted to open up his own pizza shop" but his wife was against it.

A year later, Detective Michael Rogers of the Tonawanda Police Department asked to interview Oravec at the police station. After Oravec arrived, Rogers read him his Miranda rights. Oravec said he wanted a lawyer and left the meeting after five minutes. The matter was not pursued further.

Teresa Derylak, a friend of Lorenz's at the time of the murder, told the later reinvestigation that she had informed Bentley in 1993 that she had dropped Lorenz and a girlfriend off at the Galleria Mall at around 2:00 p.m. on February 17. Given the distance between the Meindl house and the mall, this created a plausible alibi for Lorenz. Bentley, according to Derylak, threatened to charge her as an accomplice because Lorenz had been driving her car. Derylak did not testify at trial.

After the defense motions were filed, Erie County District Attorney John Flynn agreed to conduct a reinvestigation. He assigned Assistant District Attorney David Heraty and Michael Hillery, the chief of appeals, to the case. Heraty and Hillery had already helped five incarcerated people overturn their convictions. Flynn had twice commended one of the prosecutors for this work.

Over the course of four months, Heraty and Hillery interviewed more than fifty witnesses, including Pugh and Lorenz themselves. For Pugh, the experience of being listened to was itself remarkable. "I'd been waiting so long for somebody to just sit there and say, Tell me what happened. Let me hear your side," Pugh said.

The conclusions Heraty and Hillery reached were devastating to the prosecution's case. They found that Lorenz and Pugh were not involved in the murder and that Bentley had coerced witnesses to testify against the men and coerced helpful witnesses to remain silent. Donald Meindl told the investigators that he "was never sure whether the coin was taken from [his house], but Bentley pressured him to say that it was." Wagner confirmed that Pugh never confessed to him. Rodriguez corroborated the account that Bentley gave Hummingbird alcohol. Derylak's alibi for Lorenz was confirmed.

Bentley's conduct came under intense scrutiny in two additional respects. First, Jessica Meindl told Detective Rogers that her mother had been having an affair with Bentley. She also visited Pugh in prison and told him the same thing, adding that her mother had told Bentley to come over to the house on the afternoon of February 17. Donald Meindl told the investigators that he had also heard about the affair. Bentley denied any relationship with Deborah Meindl. He said he did not even know her. But the investigators also unearthed a police report from February 17, 1993. A woman who identified herself as the wife of a police officer had called Deborah Meindl's nursing school and tried to leave a message for her. A secretary explained the difficulty of leaving a message, and the woman said, "Whatever is going on is serious." That report was never turned over to the defense.

Second, the reinvestigation uncovered a troubling relationship between Bentley and Richard Matt. Matt was a violent criminal who grew up in Tonawanda. He would gain national attention in 2015 when he and David Sweat escaped from the Clinton

Correctional Facility, a maximum-security prison in Dannemora, New York. Using tools obtained from two prison employees, the two men cut holes in their cell walls to access the facility's utility area and escaped through the sewer system. Matt was shot and killed by a federal agent on June 26, 2015. Sweat was shot and captured two days later. The escape became the subject of a 2018 Showtime series.

In 1993, Matt would have been twenty-six years old. According to the reinvestigation, Bentley befriended Matt when Matt was a teenager and used him as an informant. Other officers said Bentley had likely tampered with evidence in a 1989 rape case against Matt and later helped him evade arrest for a murder in 1997. Matt was eventually extradited from Mexico in 2007 and sent to Dannemora after his murder conviction. At the time of the Meindl murder, Matt lived two blocks from the Meindl house, in a home owned by a relative through marriage of Lori Rank, the first officer on the scene and Bentley's daughter. The prosecutors used police notes to reconstruct the initial canvass of the neighborhood and wrote that it appeared the police went in every direction except the route from the Meindl house to Matt's house.

In late August 2021, Heraty and Hillery were scheduled to present their findings to Flynn and his leadership team. They had prepared an elaborate PowerPoint presentation. The meeting was canceled. The prosecutors were asked to summarize their findings instead. Then Flynn called them into his office.

What happened next exposes one of the most corrosive structural problems in wrongful conviction review. Across the country, conviction integrity units and conviction review units are housed within district attorney's offices. They are staffed by

prosecutors. They answer to the elected district attorney. This arrangement creates an inherent tension. The CIU's job is to determine whether the office's own work resulted in a wrongful conviction. But the DA controls the CIU's resources, assignments, and the careers of its staff. When a CIU finds that a conviction was wrongful, the DA must decide whether to accept those findings, and accepting them means admitting that the office prosecuted an innocent person. The political risks are obvious. The structural incentive is to suppress unfavorable findings, not to act on them. The question of CIU independence from DA control is not hypothetical. It played out in Erie County in the summer of 2021 in the most direct way imaginable.

According to testimony Heraty later gave at a December 2021 hearing, Flynn voiced concerns about the CIU's findings and made it clear that the office would oppose the exoneration motions. Flynn worried aloud about the public fallout from accusing a retired detective of coercing witnesses and other possible misconduct. "He couldn't go in front of the cameras and say that a retired detective was involved," Heraty recalled Flynn saying.

Flynn demoted Hillery from his position as chief of appeals. Heraty was transferred off the case. The two prosecutors who had spent four months interviewing more than fifty witnesses, who had concluded that two men serving life sentences were innocent, who had done exactly what a conviction integrity unit is supposed to do, were punished for their findings. Hillery, demoted to line assistant, still works in the Erie County District Attorney's office. Heraty left the office in late 2021 and now works as a public defender.

"Their own people believed in me," Pugh said. But the DA "refused to believe them."

Lorenz and Pugh later received a heavily redacted version of Heraty and Hillery's report.

In a supplemental motion filed on October 15, 2021, attorneys for both men incorporated the findings of the DA's own reinvestigation. David Sweat, Matt's partner in the prison escape, had written a letter that he sent to the home address of one of the assistant district attorneys. Based on that letter, Tess Cohen and investigator Stephen Abreu of ZMO Law visited Sweat in prison. Sweat agreed to sign an affidavit and later testified at an evidentiary hearing.

Sweat's testimony was extraordinary. He said Matt had told him about several of his past crimes, including the murder that caused Matt to flee to Mexico and another murder that occurred after Bentley approached Matt because a woman was going to "rat them out." According to Sweat, Matt said "he had choked her with a tie trying to get information out of her, trying to see if she had told anybody else anything. He told me that he had stabbed her, that they had gone through the house looking to see if she might have wrote anything down on anything. He told me that they stole stuff, that they took money, jewelry, some kind of collectible and some other stuff."

The supplemental motion argued: "The case against Pugh and Lorenzo, soft to begin with, has crumbled: DNA exonerates Pugh and Lorenzo; the coin evidence linking Lorenzo to the scene is phony; the lead detective is corrupt, knew the victim, and steered the investigation away from his friend. For twenty-eight years, the

People have failed Lorenzo and Pugh, failed the public, and worst of all, failed Deborah Meindl's family and her legacy. Only the court can now begin to make this right."

The state opposed the motion. In its response on November 1, 2021, the prosecution argued that the new DNA evidence had no effect on the credibility of the jury's verdict. "The jury heard numerous times that there was no forensic evidence tying either defendant to the crime scene and yet, they still decided both defendants were guilty," the state said. The state argued the recantations were unreliable, that Maria Oravec's statement about her ex-husband should be viewed through the lens of a custody and child support dispute, that Bentley's alleged relationship with Deborah Meindl was unsubstantiated, and that the suggestion Matt committed the murder was "speculation and hearsay."

Between December 13, 2021, and May 17, 2022, Justice Paul Wojtaszek held an eleven-day hearing in Buffalo. By this time, several key witnesses were dead. Catherwood, Rowe, and Hummingbird had all died. But others testified about the pressure Bentley applied to them, either to implicate Pugh and Lorenz or to remain silent about providing an alibi for the men. Tess Cohen had joined Margulis-Ohnuma in representing Pugh, and Emma Freeman had joined Maazel in representing Lorenz.

Pugh testified at the hearing. He acknowledged that he was a burglar in 1993. He admitted to committing burglaries during that period, including one in South Buffalo on the day of the murder. But he said the Meindl house would never have been a target. It was too small and too close to other homes. Detective Rogers of the Tonawanda Police Department confirmed this assessment in his own testimony, saying he found it hard to believe that

professional burglars would rob the Meindl house because it was the "ugliest house in Tonawanda" and next to an active construction site.

Pugh testified that on the night of February 17, he, Lorenz, Derylak, and another man executed a home invasion on a drug dealer's apartment, taking cash and marijuana. They returned to Hummingbird's house afterward and discussed the crime, referring to the victim as a "bitch." Defense attorneys would later argue that the conversation Hummingbird overheard that night "had to do with a violent crime, but it had nothing to do with the Meindl murder, the City of Tonawanda, or a female victim." What Hummingbird heard, in other words, was real. But it was not about Deborah Meindl.

Donald Meindl did not testify at the hearing, but he had told a state investigator in 2021 that he recognized the handwriting on the coin sleeve as his father's. At trial, he had testified that he did not recognize the handwriting. His new, contradictory statement became a flash point when the state disclosed on January 27, 2022, that it had found additional files in the district attorney's office. Among the new documents was a handwritten note by prosecutor Coughlan dated June 24, 1993, that read: "Father did not ID coin nor able to do so." The note memorialized the fact that Cyril Meindl, Donald's father, could not identify the silver dollar. Coughlan testified at the hearing that he had written the note but had not disclosed it to the defense. "My handwritten notes are my work product," he said. "I don't turn those over."

That note was not work product. It was Brady material. It was evidence that the only physical link between the defendants and the crime scene, the silver dollar that the prosecution referenced

fifteen times in closing argument, could not be authenticated by the person who had supposedly given it as a gift. The jury never heard that. The defense attorneys never knew it existed.

Former FBI Agent Bob Wittman, the rare coin expert, testified at the hearing that the 1921 silver dollar was not rare, that millions were in circulation, and that showing a single coin to a witness for identification was as suggestive as showing a single photograph in a suspect identification procedure. The lay testimony at trial, Wittman said, was wrong.

Sweat testified about Matt's alleged confession. The prosecution continued to oppose the motions.

On August 23, 2023, Justice Wojtaszek issued his decision. He vacated the convictions of both Pugh and Lorenz and ordered new trials. He found that the DNA results constituted new evidence of innocence, rejecting the state's argument that Simich's trial testimony had already excluded Lorenz as a contributor. He found that the state had failed to turn over evidence related to Cyril Meindl's inability to identify the silver dollar, and he rejected the state's contention that this was a harmless error. "The significance of the coin cannot be overstated," Wojtaszek wrote, "and in the view of this Court the verdict turned on the value of the identification of the coin."

Justice Wojtaszek declined to find that Matt, working with Bentley, killed Deborah Meindl. He described Sweat's testimony as "patently incredible" and characterized the theory developed by Heraty and Hillery as "nothing more than speculation, conjecture, and surmise without any substantiation or corroboration." The

ruling acknowledged, however, that there was "considerable evidence at the hearing that the lead investigator had pressured many witnesses to incriminate and testify against defendants."

The decision was a victory, but it was not freedom. For Pugh, already on parole, it meant the murder conviction was off his record, at least temporarily. For Lorenz, still behind bars, it meant a new trial was possible. But a new trial was not the same as release.

Lorenz's attorney, Ilann Maazel, spoke publicly about his client. "Scott Lorenz has gone through a three-decade nightmare in prison," Maazel said. "Though the world gave up on him, he never gave up on himself or his search for justice." Maazel also described Lorenz's condition more starkly: "Scott is a broken man. More than anything, he just wants to go home to his wife and live in peace."

Margulis-Ohnuma called the ruling a positive development for Pugh, who since his parole had been living with his sister and working as a handyman.

The state appealed. DA John Flynn, who had suppressed his own prosecutors' findings, refused to accept the court's ruling. Lorenz remained in prison while the appeal was pending. In August 2024, the New York Times published a story about the case under the headline: "His Murder Conviction Was Overturned. Why Is He Still in Prison?"

On September 27, 2024, the Appellate Division, Fourth Judicial Department, unanimously affirmed Justice Wojtaszek's ruling. The appellate court rejected all of the prosecution's claims as "without merit." It agreed that the newly discovered DNA

evidence would probably change the result at a new trial. It rejected the prosecution's argument that the DNA results were merely cumulative of trial evidence, writing: "The trial stipulation that the scrapings found beneath the victim's fingernails contained only her own blood is not the equivalent of evidence conclusively eliminating defendants." The court noted that while the DNA evidence did not conclusively exclude the defendants as participants, since they could have worn gloves, "the discovery of unidentified DNA on several items that were tested allows for the possibility that another unidentified person committed the crime." The prosecution conceded that the information about Cyril Meindl's inability to identify the coin constituted Brady material. The court rejected the prosecution's argument that disclosing it would not have changed the verdict.

The Court of Appeals, New York's highest court, declined to review the case, leaving the Appellate Division's ruling in place.

Now the case moved toward retrial. Lorenz's retrial ended in a mistrial on October 6, 2025.

On December 2, 2025, jury selection was scheduled to begin in Pugh's retrial. More than thirty-two years had passed since the murder of Deborah Meindl. Pugh was sixty-three years old. He had served twenty-six years in prison. He had been on parole for more than six years. He had built a life, working as a painter and contractor. And now the state was asking him to sit in a courtroom and defend himself all over again for a murder he did not commit.

But that morning, Erie County prosecutors stood up and asked the judge to dismiss the charges. District Attorney Michael Keane, who had succeeded Flynn, said the decision "was not made lightly." Prosecutors cited their "inability to present the same

evidence deemed admissible in the original trial and the unavailability of critical witnesses more than 30 years later." Several key witnesses were dead. Others had recanted. The evidence that had been sufficient to convict James Pugh in 1994 simply no longer existed.

Justice Wojtaszek, the same judge who had vacated the convictions two years earlier, approved the request.

Lisa Meindl Payne, who had been seven years old when her mother was murdered, stood and addressed the court. Her sister Jessica, the ten-year-old who had found their mother's body on the dining room floor, had died in 2020 without ever learning the truth about what happened. Lisa told the judge she could not say with certainty whether Pugh was guilty or innocent, but she acknowledged the weaknesses in the prosecution's case. She said she understood that by asking the court for this consideration, she might never have peace, closure, or justice.

"The justice system has failed my mother," she said. "I have only ever asked for the truth. I have believed in the justice system, but I have lost faith in the system. I just want the truth. Why did she have to die that day?"

She asked the court: "Please allow her death to mean something, and at the very least be an example to show the world that our justice system does not always provide justice."

Lisa Meindl Payne hugged him.

"Her opinion is all I really care about," Pugh said afterward.

In a statement released by his lawyers, Pugh addressed the parallel between his suffering and the suffering of Deborah Meindl's family. "Like Lisa said, there's no justice here for her or

for me. We both just want the truth, and it's the prosecutors' job to get it for us. They failed. They failed Lisa. They failed me. They failed Lisa's sister. Most of all they failed Deborah Meindl."

He also told the New York Times: "What they done to me I can't change. They've been blaming the wrong person for 30-something years."

And about the time the system had taken from him: "Waiting to get married, buy a house … that's all over."

He said of the DA's office: "They're just waiting for me to pass away so they don't have to deal with it."

Bentley, for his part, denied everything. In an email to New York Focus, he denied that he had coerced or bribed any witnesses. He blamed the statements questioning his honesty on a jealous co-worker. "I was a much decorated police officer due to my ability to solve cases," he wrote. "Most complaints about me were from the many criminals I arrested." His personnel file, obtained through a records request, showed that Bentley later retired from the Tonawanda Police Department after it had received two complaints about his behavior on an unrelated case.

James Pugh is now sixty-three years old. He works as a painter and contractor. He is, by every legal and factual measure, an innocent man. He lost twenty-six years.

Brian Scott Lorenz remains incarcerated. His retrial ended in a mistrial in October 2025. A second retrial is scheduled for April 2026. His attorneys at Emery Celli continue to fight for his release. He has been in prison for more than thirty years.

The murder of Deborah Meindl remains unsolved. The DNA on the knife, the necktie, and her clothing belongs to an unknown male contributor who has never been identified. The investigation that might have found him was diverted, in 1993, by a detective who may have known the victim, who had a documented relationship with a violent criminal living two blocks away, who plied his star witness with sangria, who threatened other witnesses with the loss of their children, who fed crime scene details to cooperative informants, and who steered the canvass of the neighborhood in every direction except toward the house of his friend Richard Matt. Two men went to prison for three decades. A ten-year-old girl found her mother's body and carried that weight until she died. A seven-year-old grew into a woman who stood in a courtroom and begged for the truth and was told there was nothing left to give her. A nursing student and mother of two was stabbed, strangled, and handcuffed in her own home, and the person who did it has never been held accountable.

That is the cost of a corrupt investigation. Not only the innocent lives destroyed, not only the guilty one that walks free, but the truth itself, buried so deep that thirty years later, no one can find it.

Chapter 6: The Grenade That Couldn't Explode

Of all the wrongful convictions examined in this book, Michael Bossett's may be the most unusual. The others involve murders, eyewitness misidentifications, false confessions, buried forensic evidence. Bossett's case involves a hand grenade that could not explode. It is a case in which the weapon at the center of five attempted murder charges was, by the prosecution's own evidence, incapable of harming anyone. The police bomb squad knew this within hours of the arrest. The jury never understood what that meant. And Michael Bossett spent more than four decades in prison, in part, because of an inert piece of metal that sat on a shelf in his dining room.

The story begins not with the grenade but with a friendship. In the 1970s, two boys grew up in adjoining buildings in Flushing, Queens. Michael Bossett and Kevin Lowry became best friends. They were part of a street gang that called itself "The Family." The crimes started small: stealing bicycles, breaking into laundry machine coin boxes, damaging property. Then they escalated. Burglaries. Car thefts. Illegal weapons possession. Lowry would later describe himself as "the only white kid in the crew," a

teenager battling what he called a “severe identity crisis” and “tremendous racism, from both white and black kids.” He was first arrested at fifteen. By eighteen, he had been arrested several more times, though he had also managed to graduate high school at sixteen.

Lowry’s turning point came when he was about seventeen or eighteen. A fellow gang member handed him a gun and said they were going to look for someone. They gathered in an apartment basement where six firearms had been laid out for a planned shooting against rivals. The shooting was called off. Lowry would later testify that he recalled vividly being grateful they had not found the person they were looking for. He said he realized then that if he remained in the gang he would end up dead or in prison. He persuaded his parents to move from Flushing to Bayside, a modest distance but enough to sever gang ties. To make sure no one came looking, Lowry told the other members of The Family that his family had moved to Hempstead, Long Island.

The two boyhood friends went in opposite directions. Lowry worked as an elevator operator and a security guard while attending college. He earned a bachelor’s degree in sociology from St. John’s University and a master’s degree in criminal justice from C.W. Post at Long Island University. In 1982, he was sworn in as a patrol officer in the Nassau County Police Department. Over the next twenty-six years, he advanced through the ranks. By the time he retired in 2010, Kevin Lowry held the title of three-star chief of police, the second-highest uniformed rank in a department of 3,500, with 700 officers under his command. He went on to graduate from St. John’s Law School, was admitted to the New York Bar, and spent a decade practicing law and teaching criminal

justice at Molloy College. In 2020, he published his autobiography, a self-published memoir titled “From Thief to Chief: A Self-Portrait of Juvenile Delinquency and Rehabilitation.” The book’s core message, as Lowry put it, was simple: “Everyone deserves a second chance.”

Michael Bossett’s path ran in the other direction. By the late 1970s, he was deep into the drug trade. He sold heroin. He accumulated weapons. He kept the company of people who lived violently and expected to die or be imprisoned young. And sometime in the summer of 1980, he acquired an object from a friend of a friend: a hand grenade. It was a dud. It contained no explosive material. Bossett knew this. He kept it on a shelf in the dining area of his second-floor apartment at 35-10 150th Street in Flushing, not as a weapon, but as a prop. He was a drug dealer, and drug dealers in that era, in that neighborhood, relied on intimidation to protect their territory. The grenade was a scare tactic, a bluff. If anyone tried to force entry into his apartment, he could toss it and use the confusion to reach his actual weapons or escape.

The two old friends crossed paths briefly. Lowry had not seen Bossett in years, not since the mid-1970s, when Lowry’s family relocated. Then, in 1978, Lowry attended the funeral of Bossett’s sister. Two years later, in October 1980, Lowry and his wife went to a Halloween party at a roller-skating rink. There was Bossett, with a girlfriend and another couple. They took a group photograph. They made plans to meet up again.

In November 1980, about a month before the events that would land Bossett in prison for the rest of his adult life, Lowry visited the apartment on 150th Street. By then, Lowry had already

decided to pursue a career in law enforcement. He knew this would be the last time he spent time with his old friend. During the two hours they were together, Bossett bragged about selling heroin and showed Lowry the weapons he had in the apartment. At some point, Lowry noticed what appeared to be a hand grenade sitting on a shelf in the dining area. He asked about it. Bossett took the grenade off the shelf, juggled it for a moment, and then tossed it at Lowry.

Lowry was terrified. He reacted in anger. Bossett assured him it was a dud, that it could not explode. He explained that he kept it around to intimidate anyone who might try to come through his door. Lowry left the apartment shortly afterward. He would not see Michael Bossett again for nearly four decades.

Weeks later, on the night of December 14, 1980, two officers from the 109th Precinct in Flushing were investigating a reported burglary at a florist shop. Officer Gabriel Vitale and his partner, Officer James Smith, inspected the shop and found it secure. As they were leaving, they saw two men walking nearby. When the officers asked where they were going, the men ran. Smith chased one of them. The man dropped a gun. Smith stopped to pick it up and heard two gunshots behind him. He ran back to find Officer Vitale on the ground. Vitale had been shot twice, once in the chest and once in the back. He was not wearing his bulletproof vest. It was at the dry cleaner.

The two men near the florist were Darrell and Michael Bossett. The gun that had been dropped was linked to Darrell. It was Darrell who had shot Officer Vitale, though this would be a matter for a separate trial and a separate chapter of the legal proceedings. Michael was not charged in the shooting. But the brothers lived

together at the apartment on 150th Street, just a block from the scene, and the police obtained parole violation arrest warrants for both of them. A stakeout began.

The next evening, December 15, 1980, at about eight o'clock, police officers broke down the door of the apartment with a battering ram. They entered a dark room. What happened in those chaotic seconds would become the subject of a five-day trial and more than forty years of imprisonment. According to the officers, they spotted Bossett with a rifle in his hand. They opened fire. A blast of buckshot struck him in the shoulder. He was captured. Inside the apartment, officers described finding what they called a "heroin den," complete with several firearms, heroin, and the grenade. A detective reported picking up the grenade after entering the apartment. About two hours later, the police bomb squad recovered the grenade from where it was sitting on the dining room table.

The bomb squad's determination was unambiguous: the grenade contained no explosive material.

The prosecution, led by Queens District Attorney John Santucci, charged Michael Bossett with five counts of attempted murder for allegedly throwing the grenade at the officers, along with illegal weapon possession and heroin possession. The attempted murder charges carried the most severe potential sentence. Nine days after the shooting, on Christmas Eve 1980, Officer Vitale died from his wounds. He was forty-two years old, a fifteen-year veteran of the NYPD. He left behind a widow and four children. On December 30, Darrell Bossett was arrested at a Times Square hotel, registered under an assumed name. He was charged

with Vitale's murder. Michael was not charged in the killing, but the shadow of his brother's crime would follow him through every courtroom and every parole hearing for the rest of his life.

In July 1981, the legal situation grew more dire. Michael and Darrell Bossett, along with a third man named Kenneth Walker, were charged with the murder of Donald "Rommel" McGirth. McGirth's decomposing body had been found on August 30, 1980, in the woods along the Southern State Parkway near Babylon, Long Island. His hands had been cuffed behind his back. He had been stabbed in the chest. The prosecution's theory was that McGirth and the Bossetts were members of rival drug gangs, and that the killing was retribution for the shooting of Leslie "Lay-Lay" Covington, a friend of the Bossetts, near a skating rink in Flushing on June 6, 1980. Several witnesses would testify that Michael Bossett had threatened McGirth after Covington was shot. At the hospital where Covington was treated, a lawyer named Michael Director heard Michael Bossett say to McGirth: "You're next, mother-fucker, you're next." At the arraignment of the suspects in Covington's shooting, another witness heard Bossett tell McGirth: "I'm going to get Rommel, he's the one that set the whole thing up, you can't walk the streets, we know where you live."

In October 1981, Michael Bossett went to trial on the attempted murder charges in Queens County Supreme Court. The five-day trial centered on what had happened in the seconds after the police broke down that apartment door. Officers testified that Bossett had a rifle in his hand and that they opened fire after spotting him. They said they found the grenade after he was shot. Critically, no officer testified that he saw Bossett throw the

grenade. The defense argued this point: if no one actually witnessed the throw, there was no basis for the attempted murder charges. But the argument went nowhere.

The failure to mount an effective defense in this case illustrates a pattern that appears in wrongful convictions across the country. When a defense attorney does not investigate the facts thoroughly, does not retain experts, does not challenge the prosecution's theory with the tools available, the defendant pays for that failure with years or decades of his life. The legal system calls this "inadequate legal defense," and the National Registry of Exonerations identified it as the contributing factor in Michael Bossett's wrongful conviction. The concept is broader than simple incompetence. It encompasses attorneys who fail to interview witnesses, who decline to hire forensic experts, who do not investigate leads that could undermine the prosecution's case, and who make strategic choices that no reasonably competent lawyer would make. In Bossett's case, the defense had a powerful argument at its disposal and apparently failed to deploy it with sufficient force. The bomb squad had determined, on the night of the arrest, that the grenade was inert. It contained no explosive material. A defense attorney who investigated that finding, retained an ordnance expert, and placed the physical incapacity of the device at the center of the defense could have changed the trajectory of the trial. If the grenade could not explode, then throwing it could not constitute an attempt to murder anyone, because the law of attempted murder requires not just the act but the intent to cause death and a means capable of achieving it. But the defense did not build the case around that evidence in a way that reached the jury.

On October 21, 1981, after five days of trial, the jury convicted Michael Bossett of all charges. District Attorney Santucci addressed the press: “The pin was pulled and the safety armature on the grenade did not go off. Otherwise, many on the scene would have been killed or maimed.” Santucci’s statement was factually misleading. The grenade did not fail to go off because of a malfunction in the safety mechanism. It did not go off because there was nothing inside it to detonate. The bomb squad knew this. Santucci, who sought the maximum sentence, either did not understand the distinction or did not care.

In December 1981, Queens Supreme Court Justice Arthur Lonschein imposed the maximum: twenty-five years to life in prison on the attempted murder convictions, plus twelve and a half years on the weapons and heroin charges, to be served concurrently. “This defendant declared war on society,” Justice Lonschein declared from the bench.

The McGirth murder case went to trial in February 1983. Michael Bossett, Darrell Bossett, and Kenneth Walker were all convicted of second-degree murder. Each received a sentence of twenty-five years to life. For Michael and Darrell, this sentence was to be served consecutively with the twenty-five-to-life sentences they had already received in their separate cases. Michael now faced a combined sentence of fifty years to life.

Darrell’s separate conviction for the murder of Officer Vitale had come in between, in November 1982, carrying its own twenty-five-to-life sentence. The two brothers, once members of The Family, were now deep inside the New York State prison system with sentences stacked one upon another. The system had every reason to keep them there, and for decades, it did.

Michael Bossett appealed. The convictions in both cases were upheld. Then came the last resort available to a person convicted in state court who believes his constitutional rights were violated: a petition for a writ of habeas corpus in federal court. Habeas corpus, Latin for "you shall have the body," is among the oldest legal protections in English and American law. It allows a prisoner to challenge the legality of his detention by asking a federal court to review whether his state conviction violated the United States Constitution. The process is not a new trial. The federal court does not reweigh the evidence or hear new witnesses. Instead, it examines the record from the state proceedings and determines whether the state courts applied the Constitution correctly. The barriers to success are formidable. A petitioner must first exhaust all state court remedies. He must raise his federal claims in state court before a federal court will consider them. And even when a federal court finds an error, the standard for granting relief requires that the error be not merely wrong but unreasonable under clearly established Supreme Court precedent. Habeas corpus is, in theory, the great safety net of the American criminal justice system, the mechanism that ensures no one is imprisoned in violation of the Constitution. In practice, it is a narrow passage through which very few petitioners successfully pass.

In 1994, Michael Bossett, Darrell Bossett, and Kenneth Walker brought their habeas petitions before the United States Court of Appeals for the Second Circuit. The case, Bossett v. Walker, was decided on December 1, 1994. The Second Circuit affirmed the denial of all three petitions. The court found that the claims raised on appeal were either procedurally barred, meaning the petitioners had failed to properly preserve them in state court, or without merit. The federal courts would not intervene.

Michael Bossett had now exhausted his direct appeals and his federal habeas petition. Under normal circumstances, his legal options were spent. He would serve his time, appear before the parole board when eligible, and hope for release. But for Michael Bossett, appearing before the parole board carried a burden that went beyond the McGirth murder conviction. The Police Benevolent Association of the City of New York maintained a "Keep Cop-Killers in Jail" initiative, a public advocacy campaign that listed individuals convicted in connection with police officer deaths and encouraged citizens to send letters to the parole board opposing their release. Both Michael and Darrell Bossett were listed. Michael had never been charged with Officer Vitale's murder. That was Darrell's crime, and Darrell's conviction. But the PBA listed them together, and the association's opposition followed Michael through every parole hearing.

For years, there was nothing to be done. Michael Bossett sat in prison. He completed his sentences on the weapons and heroin charges. But the attempted murder convictions and the McGirth murder conviction kept him locked away. The man who might have changed everything was on the outside, building a life that could not have been more different from the one Michael was living.

Kevin Lowry retired from the Nassau County Police Department in 2010. He had risen from patrol officer to three-star chief. He began writing his memoir. And because he wanted the book to be accurate, he reached out to people from his past, including Michael Bossett. In 2017, Lowry visited Bossett in

prison. It was the first time they had been face-to-face since that night in the apartment in November 1980, when Bossett had tossed the grenade at him and Lowry had reacted in anger.

During the visit, Lowry learned something he had not known. He had always assumed that Michael's attempted murder convictions were for shooting at the police officers during the raid. That would have been a straightforward charge, the kind of thing you cannot easily contest. But the attempted murder convictions were not for shooting. They were for throwing the grenade. The same grenade that Lowry had held in his hands. The same grenade that Bossett had tossed at him like a toy and then assured him was a dud. The same grenade that the bomb squad had determined, on the night of the arrest, contained no explosive material.

Lowry realized that Bossett was innocent of the attempted murder charges. Not innocent of everything. Not innocent of the drug dealing or the weapons possession or whatever role he may have played in the events that led to Donald McGirth's death. But innocent of attempted murder, because you cannot attempt to kill someone with an object that cannot kill.

Lowry began working to free his childhood friend from the attempted murder convictions. He contacted attorneys. He obtained a copy of the trial transcript. He reached out to the Innocence Project and to a legal group at Harvard Law School. He sought to persuade the Conviction Review Unit in the Queens County District Attorney's Office to review the case. Conviction Review Units, which have been discussed in earlier chapters, are internal units within prosecutors' offices dedicated to examining

potential wrongful convictions. The Queens CRU declined to take up Bossett's case. The Innocence Project and Harvard also did not move forward. For a time, it seemed that no one would.

Then Ron Kuby took the case. Kuby is a New York City civil rights attorney who was mentored by the legendary radical lawyer William Kunstler. Over the course of his career, Kuby has represented numerous individuals who were later exonerated, including Yusef Salaam of the Central Park Five and Shabaka Shakur, who served twenty-seven years before a court found that his confession had likely been fabricated. Kuby's practice has long occupied the intersection of civil liberties and criminal defense, and he has made a career of taking cases that other lawyers consider too difficult, too controversial, or too far gone.

Kuby filed a motion under Section 440.10 of the New York Criminal Procedure Law, the same mechanism discussed in Brian Boles's case, seeking to vacate Michael Bossett's five attempted murder convictions. The motion argued that Bossett had demonstrated his actual innocence. Under New York law, a defendant seeking to vacate a conviction on the ground of actual innocence must meet the standard of clear and convincing evidence. This standard sits between the two more commonly known legal thresholds. The lower standard, preponderance of the evidence, requires only that a claim be more likely true than not. The higher standard, beyond a reasonable doubt, is the one the prosecution must meet at trial. Clear and convincing evidence occupies the middle ground: the evidence must be highly and substantially more probable to be true than not. For a person who has already been convicted, meeting this standard is a steep climb.

The conviction carries a presumption of regularity. The legal system does not lightly undo its own work. But the evidence in Bossett's case was not subtle.

At the hearing on the motion, Kevin Lowry took the witness stand. He told the court about growing up in Flushing, about The Family, about the petty thefts and the burglaries and the moment he realized the gang would consume him. He described moving away, building a career in law enforcement, and eventually becoming the chief of police in Nassau County. He described visiting Bossett in prison in 2017 and learning, for the first time, that the attempted murder charges were based on the grenade. And he described the night in November 1980 when Bossett took the grenade off the shelf, juggled it, and threw it at him.

Lowry testified that Bossett had told him the grenade was a dud. That it could not explode. That Bossett kept it solely to scare people, a bluff to buy time if someone came through his door. Lowry's testimony was extraordinary not only for what it said but for who was saying it. Here was a retired police chief, a man who had spent his career on the opposite side of the law from Michael Bossett, a man whose credibility was anchored by decades of public service, telling a court that his old friend had been wrongly convicted. A copy of "From Thief to Chief" was entered into evidence.

Michael Bossett also testified. He recalled that Lowry was "like a brother" to him and that he had been sad when Lowry moved away. He remembered the funeral, the roller-skating rink, the visit to the apartment. He specifically recalled tossing the grenade at

Lowry and Lowry's angry reaction, followed by his own assurance that it was a dud. He testified that he had gotten the grenade from a friend of a friend in the summer of 1980.

On July 10, 2025, Queens County Supreme Court Justice Gia Morris issued a twelve-page ruling. Justice Morris found Kevin Lowry's testimony credible. She noted that the transcript from Michael's 1981 trial showed that a detective had picked up the grenade after entering the apartment on the night of the raid, and that the police bomb squad had recovered it about two hours later from the dining room table. The bomb squad had determined at that time that the grenade contained no explosive material.

Justice Morris's ruling turned on a precise legal point. The prosecution, in 1981, was required to prove that Bossett intended to cause the death of the police officers and that his act of throwing the grenade was capable of killing them. An inert grenade cannot kill. And Bossett, as Lowry's testimony established, knew the grenade was inert. He had tossed it at his best friend as a joke just weeks earlier. His intent in throwing it at the officers was not to harm or kill them but to intimidate or distract them, to buy himself seconds to flee.

"The defendant's intent in throwing the inert hand grenade at the officers was not to harm or kill them, but instead was designed to intimidate or distract them," Justice Morris wrote. "The defendant has met his burden of showing his actual innocence on the five counts of Attempted Murder in this case by clear and convincing evidence."

All five attempted murder convictions were vacated and dismissed.

Ron Kuby told the New York Post that "even though it has taken almost 45 years for justice to prevail, Mr. Bossett never lost hope that his wrongful conviction would be overturned." Kuby characterized the case as representing the "bad old days of policing" where authorities pursued convictions based on an "if he didn't do this, he did something else" philosophy that "ruined the lives of so many innocent people."

The reaction from law enforcement was immediate and fierce. Patrick Hendry, president of the Police Benevolent Association, declared: "This fight isn't over. We're going to continue to stand with P.O. Vitale's family." Cyndy Vitale, one of Officer Vitale's four children, expressed her opposition publicly. "It's appalling how the courts and parole system prioritize the rights of criminals over justice for the victims," she said. She stated that the decision allowed someone "unjustly eligible for parole" to potentially go free, while families of fallen officers were "robbed of time with our fathers."

The grief of the Vitale family is real and unresolvable. Gabriel Vitale was a fifteen-year veteran of the NYPD. He was shot by Darrell Bossett, not Michael, while investigating a burglary report on a Flushing street corner. He died on Christmas Eve 1980, leaving a widow and four children. In May 2003, more than two decades later, a block of Union Street outside the 109th Precinct was renamed "Officer Gabriel Vitale & Officer Anthony J. Abruzzo Jr. Place" in a ceremony attended by more than a hundred police officers and the families of the fallen. Ninette Vitale, another of the officer's daughters, attended and said: "I think it's pretty cool that they still honor their fallen heroes such a long time afterwards." The PBA has kept the family's cause alive for forty-five years, and

Michael Bossett's name has been listed alongside his brother's on the "Keep Cop-Killers in Jail" page for as long as it has existed, even though Michael was never charged with, much less convicted of, killing Officer Vitale.

This is the tension at the heart of Michael Bossett's case. He is not an innocent man in the way that Brian Boles or Charles Collins are innocent. He was a drug dealer. He possessed illegal weapons. He was convicted of the murder of Donald McGirth in 1983, a killing that multiple witnesses linked to a gang rivalry and for which the evidence of his involvement included his own threats made in front of witnesses. Bossett has never been exonerated of the McGirth murder. He remains incarcerated on that conviction, serving twenty-five years to life, and had served more than forty-two years by the time Justice Morris issued her ruling. His case does not fit the familiar exoneration narrative of a person plucked from prison and reunited with the world. Bossett is still in prison. He may remain there.

What Justice Morris's ruling did was remove one layer of injustice from a complicated life. With the attempted murder convictions vacated and the weapons and drug sentences long since completed, Bossett's combined sentence dropped from fifty years to life to thirty-seven and a half years to life. He became eligible, for the first time, to appear before the parole board solely on the McGirth murder conviction. Whether the parole board will grant his release is another question, one that will be shaped by the PBA's opposition, by the Vitale family's ongoing advocacy, and by the parole board's own assessment of a man who has spent virtually his entire adult life behind bars.

The arc of Kevin Lowry's life is, in many ways, the mirror image of Michael Bossett's. They grew up together. They committed crimes together. They were part of the same gang, in the same neighborhood, subject to the same pressures and the same temptations. Lowry got out. Bossett did not. Lowry became a police chief. Bossett became a convict. And then, decades later, the police chief walked into a courtroom and told the truth about a grenade that could not explode, and that truth set loose a small piece of justice that had been locked away for forty-four years.

Lowry, reflecting on his life and his book, once said: "My story is all about second chances. We need to celebrate people who take the initiative to turn their lives around." Whether Michael Bossett will get a second chance remains to be seen. He is sixty-eight years old. He has spent more than forty-four years incarcerated. The grenade charges are gone. The murder charge is not. He is a man who has been both wrongfully convicted and, by the evidence in a separate case, rightfully convicted, and the legal system must hold both of those realities at once. The exoneration gives him a path to the parole board. It does not give him back the decades that an inert piece of metal, and a legal system that could not distinguish a bluff from an assassination attempt, took from him.

Chapter 7: The Crossed-Out Date

At 11:50 on the night of March 16, 1992, two men walked into the Burger King on Richmond Avenue in Staten Island and robbed it. One of them held a gun to an employee's head and demanded money. The employee, later identified in court records as Witness #1, could not describe the man with the gun. He said the second robber wore a mask. It was a fast, anonymous crime on a commercial strip in the southernmost borough of New York City, the kind of holdup that generates a police report and, in most cases, little else.

Eight days later, on March 24, two men robbed the same Burger King again, entering through a back door just before midnight. This time a different employee, Witness #2, got a better look. She described the gunman as white, with red hair, a bushy red mustache, and bushy red eyebrows. His accomplice, she said, was a young Hispanic male, about fifteen years old.

Between those two robberies, on March 22, a detective received an anonymous tip. The caller named Walter Tait and a man identified in court records as Accomplice #1 as the robbers from the March 16 holdup. Tait was twenty years old, on probation from a 1989 guilty plea for possession of stolen property. He did

not have red hair or a red mustache. Nothing in the tip was corroborated. Nothing about it was verifiable at the time. But once it entered the investigative file, it gave Tait's name a gravity that would prove impossible to escape.

On March 30, two men robbed a different Burger King, this one on Hyland Boulevard, also on Staten Island. Two female employees were working. Witness #3 said the man with the gun was white and in his twenties. Witness #4 said both robbers were young men in their twenties, but she could not identify either one because their faces were covered.

Several hours after the Hyland Boulevard robbery, police showed Witness #3 a photo array. She selected Tait's photograph as the man who had held the gun. She also looked at an array containing a photo of Accomplice #1 but made no selection from that one.

Tait had a court date on April 2 for a misdemeanor charge of driving while intoxicated, but before he could make that appearance, police arrested him and brought him to the station. There, he was placed in separate lineups before witnesses from all three Burger King robberies. Witness #1, from the March 16 robbery, identified Tait as one of the robbers. Witness #2, from the March 24 robbery, did not identify him. Witness #3, from the March 30 robbery, identified him again. After his arrest, detectives read Tait his Miranda warnings and asked him about the robberies. He said he knew nothing about them and declined to answer further questions without his attorney present.

He was charged with two counts of first-degree robbery for the March 16 and March 30 Burger King crimes. Bail was set at $10,000, which Tait posted. On April 28, he appeared before a

grand jury and testified that on March 16, he had been with his sisters, his mother, two housemates, his sister's boyfriend, and his girlfriend. They had gone to two bars that night, arriving at the second bar between midnight and 12:30 a.m. For March 30, Tait testified that he was sick and stayed home to watch the Academy Awards with his mother, two sisters, some friends, and his girlfriend. The program started around 9 p.m., and he said he never left the house. His family members and friends corroborated his account under oath. On May 7, Witnesses #1 and #3 testified before the grand jury about the robberies and their identifications. The grand jury indicted Tait on May 12 on both charges.

Then came the identification hearings, and with them, a glimpse of how the case against Tait had been built.

On October 27, 1992, Tait appeared before Justice Norman Felig in Richmond County Supreme Court for a suppression hearing on the witness identifications. Before the hearing began, Justice Felig granted the state's motion to remand Tait into custody based on an unrelated arrest from earlier that month for driving a car with an altered vehicle identification number. Two detectives testified about the procedures they had used in arranging the photo arrays and lineups. Witnesses #1 and #3 testified about their identifications. Justice Felig ruled the identifications admissible.

But in December 1992, an investigator working for Tait's attorney at the time interviewed the two witnesses separately. Both signed written statements. In those statements, the witnesses said that a police officer had shown them a single photograph of Tait before they made any identification from the formal photo array or lineup.

This is a practice that poisons everything that follows. When a witness is shown a single photograph of a suspect before being asked to select from a group of photographs or a lineup of live individuals, the witness's memory is no longer operating independently. The single photo acts as an anchor. The witness has already seen the face the police want them to select. When that same face appears again in the array or the lineup, the witness is not recognizing the person from the crime. The witness is recognizing the person from the photograph the police showed them hours or days earlier. The formal identification procedure, which is supposed to be a test of the witness's independent memory, becomes instead a confirmation of the suggestion the police already planted. Courts and researchers have long understood that this kind of suggestive procedure is one of the most reliable ways to produce a false identification. A properly conducted identification requires that the witness have no prior exposure to the suspect's image. The moment a detective shows a single photo and says, in effect, "this is who we think did it," the identification that follows is compromised. In Tait's case, both Witness #1 and Witness #3 signed statements saying this is exactly what happened.

Tait's attorney moved to reopen the identification hearing. A new hearing began on June 9, 1993. Both witnesses took the stand. They acknowledged that the defense investigator had interviewed them and that they had signed the statements. They read the statements aloud in court and said the statements were accurate, with one exception: they denied telling the investigator that they had seen a single photograph of Tait before the formal

identification procedure. Witness #1 said he had not read the statement before signing it. Justice Felig ruled that neither witness had been shown a single photograph and set a trial date.

The contradiction would sit unresolved for decades. Two witnesses signed detailed statements describing an impermissibly suggestive identification procedure. They then took the stand and confirmed the statements were accurate in every respect except the part about the single photograph. Justice Felig believed the denials. Tait's defense had no way to prove otherwise.

After the hearing, Tait retained a new attorney, his third since his arrest on the robbery charges.

Around the same time that Tait's investigator was interviewing the two witnesses, police arrested a man identified in court records as Suspect #2 for a weapons violation. Suspect #2 was a confidential informant, also under federal parole supervision. While in custody, he reached out to his handler, a detective, and offered to provide information about several Staten Island robberies. On March 2, 1993, the handler and a Staten Island detective interviewed him.

What Suspect #2 told them should have changed everything. He said he had been part of a crew that committed a string of robberies across Staten Island between June 24, 1991, and March 30, 1992. The string included the two Burger King robberies on March 16 and March 30, the very crimes for which Tait stood indicted. Suspect #2 identified the members of the robbery crew. Most were teenagers he had recruited from Brooklyn. One participant, identified as Suspect #1, was an adult, a twenty-nine-year-old Hispanic man. Suspect #2 did not mention Walter Tait. He had never heard of him.

Separately, the witness from the March 24 Burger King robbery, the one who had described a gunman with red hair and a bushy red mustache, and a witness from a separate April 1992 robbery of a hair salon, both identified Suspect #1 from a photo array and a live lineup. Suspect #1 was arrested and charged with those crimes on May 3, 1993.

The cases of Suspect #1 and Walter Tait were pending at the same time before Justice Felig. A detective working Suspect #1's case was aware of the overlap. The CIRU's later investigation found that in Suspect #2's original statement, one of the detectives had crossed out the date of the March 16 robbery. As the CIRU would note in a court filing years later, "It seems clear that the assigned detective on Suspect #1's case, Detective #4, had an intentional awareness of the discrepancy that prompted his 'cross-out.'" Someone knew. Someone altered a document. And Walter Tait was never told.

Neither Suspect #2's statement nor the note in Suspect #1's case file was found in the district attorney's file for Tait. The CIRU later said it could not determine whether the statement was ever disclosed to any of Tait's attorneys. What is clear is that the information did not reach Tait in any way that affected his case.

There was, however, another channel through which the truth almost surfaced. The man identified as Accomplice #1, the person named alongside Tait in the original anonymous tip, was arrested in New York in January 1993 on new charges and outstanding warrants and held at Rikers Island. He told the CIRU decades later that in 1993, while traveling on a corrections bus to Staten Island for a court appearance, he spoke with a man he called the "Spanish guy" who was facing multiple charges, including charges related to

Burger King robberies on Staten Island. The Accomplice said this man told him that he had committed all the Burger King robberies and had adopted a nickname for them, something like the "Purple Scarf Bandit," because of what he wore over his face. The man said he did not know Tait and was willing to say so on the record. Accomplice #1 said he wrote down some details of the man's case, including his inmate number, and passed the information to a member of Tait's family. Tait's mother told the CIRU that she gave this information to her son's third attorney. That attorney told the CIRU he had no recollection of Tait's case.

On July 20, 1993, Walter Tait pleaded guilty to the March 16 robbery and to the forged VIN charge from his October arrest. He also admitted to violating a condition of his probation.

The question of why an innocent person would plead guilty to a crime he did not commit is one that surfaces again and again in wrongful conviction cases. In Tait's case, the pressures were concrete and cumulative. He was facing trial on two counts of first-degree robbery, and a conviction on both charges exposed him to a possible sentence of fifty years in prison. He had already cycled through three attorneys since his arrest, and his family had run out of money to pay for his defense. He did not believe he would qualify for a court-appointed attorney. The financial burden of continued litigation, combined with the catastrophic risk of a trial loss, created a calculus in which the only rational choice appeared to be the one that required him to lie.

This is the architecture of plea coercion, and it is not unique to Walter Tait. Across the American criminal justice system, more than ninety percent of criminal convictions are obtained through guilty pleas rather than trials. The reasons are many, but one of

the most powerful is the “trial penalty”: defendants who reject a plea offer and insist on their constitutional right to a jury trial routinely face sentences many times longer than what the prosecution offered in exchange for a guilty plea. For a defendant like Tait, the arithmetic was stark. The prosecution was asking for five to fifteen years. A trial conviction could mean fifty. The gap between those two numbers is where innocent people break. When a defendant cannot afford counsel, when the evidence against him includes eyewitness identifications that a judge has already ruled admissible, when the alternative to pleading guilty is the possibility of spending the rest of his productive life in prison, the plea becomes less a voluntary admission and more an act of surrender to a system that has made fighting too expensive and too dangerous.

In a pre-sentencing report, Tait told a court official that he had pleaded guilty under the advice of counsel. The prosecution asked for a sentence of five to fifteen years. Justice Felig sentenced him to four to twelve years, with credit for time served awaiting trial.

Tait was released from prison in 1996. He was released from parole in 2000.

After his release, Tait went into the sewage-pumping business. He married. He had children who grew into adults. He built a life. But the conviction followed him. There were contracts he could not secure and licenses he could not obtain because of a violent felony on his record. The crime he had not committed continued to extract a cost, year after year, in opportunities foreclosed and explanations he could not give. “My biggest fear was people finding out,” Tait later told the Staten Island Advance. “It’s something I’ve been living with for 30 years.”

He acknowledged, to the CIRU and to others, that as a young man he had been involved with stolen cars. He was not blameless in every respect. But he said he had lied under oath when he admitted to participating in the March 16 robbery. The stolen vehicles were real. The armed robbery was not.

In May 2020, during the COVID-19 lockdown, Tait contacted the Richmond County District Attorney's Conviction Integrity Review Unit. The CIRU had been established in 2019 under District Attorney Michael McMahon as part of a broader restructuring of the Richmond County DA's office. Its first major success had come in July 2021, when it supported the exoneration of Grant Williams, a man who had spent twenty-three years in prison for a Staten Island murder he did not commit. That case, led by Executive Assistant District Attorney Wanda DeOliveira, had established the CIRU as a unit willing to do the slow, unglamorous work of reinvestigation. DeOliveira's team had interviewed more than thirty-five witnesses across seven states and five correctional facilities in the Williams case before concluding that the justice system had failed him.

Tait's request to the CIRU set in motion an investigation that would span approximately five years. DeOliveira retired as the CIRU's chief in 2022, but she continued working on Tait's case as a consultant for the district attorney's office. The investigation she led was painstaking and thorough.

The CIRU re-interviewed many of the original witnesses and Tait's alibi witnesses. The alibi witnesses' accounts largely tracked their testimony before the grand jury three decades earlier.

On May 12, 2020, the CIRU interviewed Accomplice #1, the man named alongside Tait in the original anonymous tip. He told investigators that he and Tait had been close friends who grew up together. “Walter was not that type of person who would do anything violent,” he said. “Walter never even handled a gun in his life.” He said the tip was false and could have been verified. At the time of the robberies, he was living in Florida, with an outstanding bench warrant and probation warrant for his arrest in New York. He believed a “criminal competitor” in the stolen vehicle trade had given police the false tip. He then told the CIRU about his encounter on the corrections bus with the man he called the “Spanish guy,” the man who said he had done all the Burger King robberies, the self-described “Purple Scarf Bandit.”

The CIRU investigated the Accomplice’s account and found it highly probable that he had been on the bus with Suspect #1, the twenty-nine-year-old Hispanic man. They had a shared court date on August 23, 1993.

During the review of Suspect #1’s case file, which included a note regarding Tait’s arrest, the CIRU discovered Suspect #2’s original 1993 statement, the one in which a detective had crossed out the date of the March 16 robbery. Neither this statement nor the note in Suspect #1’s file had ever been placed in the district attorney’s case file for Tait.

The CIRU tracked down Suspect #2. He confirmed he had been a confidential informant. He recalled details of the robberies, including the participation of Suspect #1, Suspect #3, and Suspect #4. He said he had never heard of Walter Tait.

In 2021, the CIRU spoke with Suspect #4, one of the teenagers from Brooklyn who had participated in the robbery crew. He said Suspect #2 had recruited him and other poor teenagers from Brooklyn to commit robberies. He also said that Suspect #2 had molested these young men. And he told investigators that Suspect #2 had once said to him that "someone was arrested for something we did." Suspect #1, the man the witnesses from the March 24 robbery and the hair salon robbery had identified, had died in 2015.

On March 6, 2022, thirty years after the robbery, the CIRU re-interviewed Witness #1. He recalled that one of the robbers wore a face covering but said the man with the gun did not. He did not remember looking at photographs but recalled the lineup. Then the CIRU investigators showed him the statement he had signed for the defense investigator in 1992 and asked whether the section about detectives showing him a single photo of Tait before the photo array was true. His answer was revealing in its simplicity: "Is a detective not supposed to do that?"

The question laid bare the power imbalance at the core of suggestive identification procedures. Witness #1 was not a conspirator. He was a Burger King employee who had been robbed at gunpoint and then shown a photograph by the police. He did what the police asked him to do. He assumed that what they were doing was proper. The fact that it was not, that showing a single photograph before a formal identification procedure is exactly the kind of suggestive practice that produces unreliable identifications, was something he had no reason to know. When the CIRU asked him about his testimony at the suppression

hearing, where he had denied reading the statement before signing it, he said he did not remember testifying at a hearing. But he added that he "would never sign something I did not read."

The CIRU also re-interviewed Witness #3, from the March 30 robbery. She confirmed that the two robbers had entered through a back door and wore masks. When investigators asked how she could have made an identification if both robbers were masked, she said she could "remember seeing his face." The tension between those two statements, that the robbers were masked and that she could see a face, was never resolved.

In late May 2025, DeOliveira filed an affirmation asking the court to vacate Tait's conviction and dismiss the charge. The filing stated that neither Suspect #2's statement nor the note in Suspect #1's case file was found in the district attorney's case file for Tait. It acknowledged that the CIRU could not determine whether Suspect #2's statement had ever been disclosed to Tait's attorneys. But disclosure, the filing argued, was ultimately beside the point. "Our investigation led us to conclude that it was of no consequence that Walter Tait had pleaded guilty before a judge, as his guilty plea was not made knowingly and voluntarily, with the full disclosure of all relevant exculpatory facts and issues disclosed to him and his attorney."

The affirmation continued with a sentence that captured the full weight of what had happened: "Regardless of whether Mr. Tait had chosen to succumb to the pressure of financial hardship and accept what appeared to be a very lenient plea offer, our conclusion from this investigation is that he was actually innocent of the charge to which he entered a guilty plea. In that regard, our justice system failed him."

On May 27, 2025, Justice Alexander Jeong of the Richmond County Supreme Court vacated Walter Tait's conviction and dismissed the charge.

District Attorney Michael McMahon issued a statement. "There is no true way to return the time that was taken from him," McMahon said. "The years lost, the opportunities missed, and the damage done cannot simply be erased. But what we can do is restore his name. We can acknowledge the mistake, correct the record, and honor the truth; today, the criminal justice system is doing just that."

Tait's case is unusual among wrongful convictions in several respects. He served roughly four years in prison and another four on parole, a fraction of the decades that many exonerees lose. He was not convicted at trial; he pleaded guilty. He was not represented by a major innocence organization; he initiated the review himself by contacting the CIRU during a pandemic lockdown. He is white, in a landscape of wrongful convictions that falls disproportionately on Black and Hispanic men. And yet the mechanisms that produced his wrongful conviction are as familiar as any in this book: a false tip from an anonymous source, suggestive identification procedures that corrupted what the witnesses thought they remembered, exculpatory evidence that either never reached the defense or was actively concealed, and a system of plea bargaining that made it financially and strategically rational for an innocent man to admit to a crime he did not commit.

The anonymous tip was false. Accomplice #1, the man named alongside Tait, was living in Florida at the time and said a competitor in the stolen car business had likely made the call. The

eyewitness identifications were tainted, built on a foundation of single-photo showings that the witnesses themselves confirmed in signed statements. The confidential informant's account of the actual robbery crew, an account that did not include Tait, sat in a file with a crossed-out date, and never made it to the people who needed to see it. And the plea, the moment that sealed Tait's fate, came after he had exhausted his family's resources, burned through three attorneys, and stared at the possibility of fifty years in a cell.

For thirty years, Walter Tait carried the weight of that conviction while building a life in spite of it. He pumped sewage. He raised a family. He lived with the fear that people would find out. When the conviction was finally vacated, he was in his fifties, a married man with adult children, a business owner who had served his time and completed his parole decades earlier. The formal machinery of justice restored his name. It cannot restore the contracts he lost, the licenses he was denied, or the thirty years he spent knowing that the record said he was something he was not.

Conclusion

Seven men. Seven cases spread across four decades and six New York counties. A teenager handcuffed in a Harlem precinct, signing a statement written by the detective who lied to him. A second teenager watching his friend get convicted and deciding the only rational choice was to plead guilty to a murder he did not commit. A young man kept chained to a bench for eighteen hours in Nassau County until he agreed to say whatever the detectives wanted. A seventeen-year-old bystander in Flatbush who chased the gunman, flagged down a police car, and was then arrested for the crime he tried to help solve. A thirty-year-old burglar in Buffalo who refused, twice, to trade a false accusation against another man for a shorter sentence. A drug dealer in Queens convicted of attempting to murder police officers with a hand grenade that could not explode. A twenty-year-old on Staten Island who pleaded guilty to armed robbery because he had run out of money for lawyers and could not survive the risk of fifty years in prison. Their circumstances are different. The failures that convicted them are not.

Every one of these cases involved the suppression or distortion of evidence. In Brian Boles's case, witness statements placing the victim alive hours after the time claimed in the confession sat in the prosecution's files, undisclosed. In Christopher Ellis's case, Detective Wells told the court that no eyewitness had excluded any of the defendants, when in fact Cynthia Louissaint had done exactly that. In Brian Kendall's case, the prosecutor secured a leniency letter for his star witness, a crack addict whose cooperation was purchased with the promise of early parole, and never told the defense about the arrangement. In James Pugh's case, the lead detective plied his star witness with sangria, threatened another witness with the loss of his children, and fed crime scene details to cooperative informants until their stories sounded like independent corroboration. In Walter Tait's case, a confidential informant's statement identifying the actual robbery crew never made it from one detective's file to the district attorney's file for Tait, and someone crossed out the date of the robbery in the original document. The specifics differ. The pattern is the same: the people whose job was to seek the truth hid it, shaped it, or let it disappear.

Every one of these cases involved some form of coerced or unreliable testimony. Brian Boles and Charles Collins gave false confessions after detectives lied to them about evidence that did not exist. Christopher Ellis confessed after eighteen hours without food, water, or sleep. Brian Kendall was identified by a crack-addicted cooperating witness and a thirteen-year-old who was never found again. James Pugh was convicted on the testimony of seven secondhand witnesses, most of whom later said Detective Bentley had pressured them, threatened them, or fed them details. Walter Tait was identified by witnesses who had been shown a

single photograph of him before the formal lineup. The system treated these statements and identifications as proof. They were not proof. They were the products of pressure, manipulation, and procedures designed to confirm what investigators already believed.

And every one of these cases was shaped by the trial penalty, the brutal arithmetic that makes it rational for an innocent person to plead guilty. Charles Collins watched Brian Boles go to trial, lose, and receive twenty-five years to life. Collins pleaded guilty and received twenty years to life. Five fewer years in exchange for a formal declaration of guilt. Brian Kendall's defense attorney told his family that going to trial would be "suicide." The judge put the plea offer on the record and told Kendall that if he was convicted, "my hands are tied. You have to get a life sentence." Kendall pleaded guilty. Walter Tait faced the possibility of fifty years if convicted at trial. The prosecution asked for five to fifteen years. The judge gave him four to twelve. He took it. These were not admissions of guilt. They were acts of surrender by people who could not afford to fight.

What ultimately freed these men was not a single mechanism but a combination of forces that, in many cases, took decades to converge. DNA testing excluded Boles and Collins from the biological evidence under James Reid's fingernails. It excluded Pugh and Lorenz from the knife, the necktie, and the victim's clothing in the Meindl case. Conviction review units, operating inside the very offices that had secured the original convictions, conducted reinvestigations that uncovered what the original investigations had buried. The Manhattan Post-Conviction Justice Unit found the suppressed evidence in Boles and Collins's case.

The Brooklyn Conviction Review Unit spent years on Kendall's application and ultimately identified fifteen witnesses whose statements tended to exculpate him, against the two unreliable witnesses who had been the prosecution's entire case. The Richmond County Conviction Integrity Review Unit tracked down Walter Tait's alibi witnesses and the confidential informant whose statement had been concealed. In Erie County, two assistant district attorneys spent four months interviewing more than fifty witnesses and concluded that James Pugh and Scott Lorenz were innocent, only to be demoted and transferred when the elected district attorney refused to accept their findings. The structures that eventually worked are real. They are also fragile. They depend on the willingness of prosecutors to follow evidence that implicates their own institutions, and as the Pugh case demonstrates, that willingness is not guaranteed.

Pro bono attorneys and innocence organizations provided the legal firepower that inmates themselves could not generate. Jane Pucher and Shabel Castro of the Innocence Project represented Brian Boles. Ropes and Gray took on Charles Collins's case at no charge. The law firm of Emery Celli Brinckerhoff Abady Ward and Maazel spent years on Christopher Ellis's case, secured his acquittal at a second trial in 2025, and also represented Scott Lorenz. Zachary Margulis-Ohnuma, Tess Cohen, and Jeff Hetzel of ZMO Law took on James Pugh when the case looked like a lost cause. David Crow of the Legal Aid Society represented Brian Kendall from Guyana. Ron Kuby filed the motion that freed Michael Bossett from his attempted murder convictions after every other organization had declined. Kevin Lowry, a retired police chief who had grown up with Bossett, walked into a courtroom and told the truth about a grenade that could not

explode. None of these outcomes happened by accident. Every one of them required someone to take a case that no one else would take, and to do the work that the system had failed to do in the first place.

Some things have changed since these men were first convicted. Discovery reform in New York now requires prosecutors to turn over witness agreements, a protection that did not exist when Brian Kendall's prosecutor concealed the leniency letter to his cooperating witness. Mandatory videotaping of interrogations has been implemented in some jurisdictions. Science-based interview techniques have replaced some of the deceptive tactics that produced false confessions from teenagers like Boles and Collins. DNA testing capabilities that did not exist in 1988 or 1993 or 1994 have become powerful enough to identify unknown contributors from fingernail scrapings, knife blades, and neckties. Conviction review units now operate in prosecutors' offices across New York. These are real reforms. They matter.

But the underlying structures that produced these wrongful convictions remain largely intact. Police are still permitted to lie to suspects during interrogation, the very tactic that broke down Brian Boles and Charles Collins. Prosecutors who contribute to wrongful convictions face no meaningful consequences. Eric Bjorneby, the prosecutor in Brian Kendall's case, was also the prosecutor in four other exonerations. He went on to become a judge. Not a single assistant district attorney experienced public repercussions for the wrongful murder convictions tied to the notorious Brooklyn detective Louis Scarcella, despite twenty-one reversed verdicts. The prosecutors in those overturned cases became judges, district attorneys, congressional representatives,

and bureau chiefs. Detective David Bentley, who plied witnesses with alcohol, threatened to implicate their children, and steered an investigation away from the house of a violent criminal who lived two blocks from the crime scene, retired from the Tonawanda Police Department. He denied everything.

The trial penalty still operates with full force. More than ninety percent of criminal convictions in the United States are obtained through guilty pleas. The gap between what a plea offers and what a trial conviction threatens remains wide enough to swallow an innocent person's resolve. Collins, Kendall, and Tait all pleaded guilty to crimes they did not commit, and each of them did so for reasons that were, given the circumstances, entirely rational. Overturning a guilty plea remains substantially more difficult than overturning a trial conviction, because the plea waives most of the procedural footholds a post-conviction attorney needs to mount a challenge.

Exonerees receive inadequate compensation for the years the system takes from them. Brian Kendall was deported to Guyana after his release and attended his own exoneration hearing by video because the country that convicted him would not let him back in. He is fifty-five years old, living in a modest apartment, working as an electrician (a trade he learned in a prison where he never should have been held), separated from his sisters and brother by an ocean and an immigration system that has not yet processed his return. Michael Bossett remains incarcerated. His attempted murder convictions were vacated, but the murder conviction from a separate case keeps him in prison at sixty-eight years old, with the Police Benevolent Association's opposition following him to every parole hearing. Scott Lorenz's convictions

were vacated, his retrial ended in a mistrial, and he remains behind bars after more than thirty years, awaiting a second retrial. The system's capacity to inflict punishment far outpaces its capacity to repair what it has broken.

The murder of James Reid remains unsolved. The murder of Joseph Healy remains unsolved. The murder of Raphael Reyes remains, for all practical purposes, unresolved. The murder of Deborah Meindl remains unsolved. The DNA under fingernails, on knife blades, on neckties belongs to people who have never been identified. The system spent decades punishing the wrong men and, in doing so, ensured that the right ones would never be found. That is the final, irreducible cost of a wrongful conviction. It destroys two lives at once: the innocent person who is punished, and the guilty one who walks free.

For anyone reading this from inside a New York prison, maintaining their innocence, wondering whether the system will ever look at their case again: the paths these seven men walked are real. Conviction review units exist in Manhattan, Brooklyn, Queens, Staten Island, Nassau County, and Erie County. Pro bono attorneys at law firms and innocence organizations take these cases. The process is long. Brian Kendall filed his own application from Guyana in 2019 and was not exonerated until 2025. James Pugh's attorneys first spoke with him in 2015, and his charges were not dismissed until December 2025. Christopher Ellis was convicted in 1992, released in 2021, and not acquitted until January 2025, thirty-four years after the crime. The work is grueling and the odds are steep. But it is not impossible. Every exoneration in this book began with someone who refused to stop saying the truth.

For newer lawyers reading this: these cases show what diligent representation looks like. They also show what happens when the system does not provide it. Brian Kendall's attorney learned after the plea that even the prosecutor thought the case was weak, and did nothing. Michael Bossett's trial attorney had the bomb squad's finding that the grenade was inert and apparently failed to build the defense around it. Walter Tait cycled through three attorneys, none of whom obtained the exculpatory evidence sitting in a related case file. On the other side of that ledger, the attorneys who ultimately freed these men did the work that should have been done at the outset: they read the files, tracked down the witnesses, retained the experts, and followed the evidence wherever it led. The difference between decades in prison and freedom was, in almost every case, the quality of the lawyer in the room.

Lisa Meindl Payne, who was seven years old when her mother was murdered and who grew into a woman standing in an Erie County courtroom asking for the truth, said it as plainly as it can be said: "Please allow her death to mean something, and at the very least be an example to show the world that our justice system does not always provide justice."

These seven cases are that example. The justice system does not always provide justice. But the people in this book, the exonerees and the lawyers and the investigators and the family members, proved that it can be made to correct itself, even if the correction comes decades too late, even if it cannot undo the damage, even if the truth, when it finally arrives, reveals as much about what was lost as about what was found.

About the Author

Gregory Salmon is a criminal appeals attorney based in New York and the lead New York attorney for CAA, P.C. A former public defender and private defender, he has spent his career handling criminal matters at the trial and appellate levels, with a current focus on post-conviction advocacy, including CPL Article 440 motions, direct appeals, and federal habeas corpus petitions. He is also the author of *The 2026 Guide to NY CPL 440 Motions* and *Overturning Sex Crime Convictions in New York*. Questions for Mr. Salmon or another attorney at CAA can be directed via phone to (267) 662-1671 or via mail to 14 Wall Street, 20th Floor, New York, NY 10005.