

# Brooklyn Daily Eagle

## Conviction overturned in Hasidic gang attack on gay black man



Hon. Danny Chun. Eagle photo by Rob Abruzzese

**By Christina Carrega**

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Not even scientific evidence could convince a higher court to uphold the conviction of the lone perpetrator who went to trial for a brutal gang assault against a gay black man.

During the early morning hours of Dec. 1, 2013, Taj Patterson, then 22, was walking home through Williamsburg after partying with friends when more than a dozen men pounced on him.

That group — including some members of the Shomrim volunteer security patrol — falsely accused Patterson of vandalizing cars on Flushing Avenue.

The attackers left Patterson bruised, battered and forever blinded in one eye.

Months passed before five Hasidic Jewish men — Abraham Winkler, 43; Aharon Hollander, 32; Joseph Fried, 29; and Pinchas Braver, 23 — were indicted with gang assault, assault and unlawful imprisonment charges.

Patterson filed a lawsuit against the city and NYPD in Brooklyn federal court. The suit accused them of giving his attackers “favorable and preferential treatment,” according to The New York Post.

As the years of litigation went by, four of those men either pleaded guilty to lesser charges or had their cases completely dismissed.

Mayer Herskovic was the last of the bunch to go to trial in 2017.

Patterson testified at the trial that he couldn’t identify all his attackers except the “ringleader,” who was one of the three men who chased him and later shoved their thumb into his eye, according to the Second Department Appellate Division’s decision released on Wednesday.

Herskovic, 24, had his case heard by Brooklyn Supreme Court Justice Danny Chun, who ultimately convicted him after prosecutors provided that a small amount of DNA on Patterson’s sneaker matched, placing him at the scene.

Justice Chun sentenced Herskovic to four years in prison. He remained out on bail, pending appeal.

The higher court disagreed with Justice Chun’s verdict and reversed the conviction for “various accounts” including the Office Chief Medical Examiner’s (OCME) testimony.

“The OCME criminologist testifying at the trial admitted that in developing high-sensitivity testing, OCME ‘tweaked the protocols’ of DNA testing. Based on the high-sensitivity testing, OCME found that the mixture was indicative of a two-person mixture,” the four judges wrote.

Oren Yaniv, a spokesman from the district attorney’s office, told the Brooklyn Eagle the office “respects the court’s decision.”

“DNA analysis is a powerful tool, and has great value to law enforcement, both in exonerating the innocent and in convicting the guilty,” said Donna Aldea, an appeals attorney for Herskovic.

“But it must be properly applied, understood and limited to what it can and cannot prove; otherwise it becomes dangerous, because its potential for misuse is enormous, and the consequences devastating.”

Aldea proclaimed Herskovic's innocence and called this case a "wake up call."

"There was no other evidence. No identification, no confession, nothing. This could have happened to anyone," said Aldea.