

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS: CRIMINAL TERM

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THE PEOPLE OF THE STATE OF NEW YORK,

-against-

AFFIRMATION IN SUPPORT OF
MOTION TO VACATE JUDGMENT
OF CONVICTION AND DISMISS
INDICTMENT PURSUANT TO
CPL §440.10(1)(h) & 440.30(3)

SAMUEL BROWNRIDGE,

Defendant.

Ind. No.: 1094/94
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DONNA ALDEA, an attorney duly admitted to practice law in the Courts of this State, hereby affirms that the following statements are true, except for those stated to be made upon information and belief, which I believe to be true:

1. I am a partner at the firm Barket Epstein Kearon Aldea & LoTurco, LLP, counsel to the defendant, Samuel Brownridge, and I am familiar with the facts and proceedings that have been had in this matter to date.

2. Over 25 years ago, Samuel Brownridge, who was then only 19 years old, was charged and convicted of a murder that he did not commit, and for which he has served 25 years in prison, never giving up the fight to clear his name and obtain justice.

3. In 2017, my firm agreed to represent Brownridge *pro bono*. Although there had already been substantial post-conviction litigation, and Brownridge's claims had previously been denied on appeal, collateral review, and federal habeas corpus, we reopened the investigation, reviewing all of the prior proceedings, obtaining additional documents through the Freedom of Information Law ("FOIL"), developing new leads, and locating and interviewing multiple witnesses who provided us with sworn affidavits. Viewed in conjunction with the existing record in this case, the new evidence compiled and obtained by my firm established by clear and

convincing evidence that Brownridge was actually innocent, that a violent felon named Garfield Brown had committed the murder, and that the prosecution's trial evidence against Brownridge – consisting solely of the identification testimony of two witnesses – was not only unreliable, but materially false.

4. Thus, in November of 2018, I requested that the Queens District Attorney's Office re-examine the case as a wrongful conviction. To that end, I met with executive staff at the DA's office, providing them with the substantial new materials I had accumulated, including the numerous witness affidavits and compelling *Brady* material obtained through FOIL that had not previously been disclosed to defense counsel (*see* attached Exhibits). They agreed to re-investigate the case, and over the next year, I worked with ADA Richard Schaeffer, who had previously investigated the case during a 440 hearing in 2003, and had been assigned to the re-investigation. During this time, Schaeffer interviewed all available witnesses, reviewed the entirety of the case file, and attempted to obtain additional forensic evidence.

5. On January 1, 2020, the administration of the District Attorney's Office changed, as Melinda Katz took office. On January 14, 2020, I drafted a letter to the Executive Assistant District Attorney, alerting her to the pending wrong-man investigation, detailing and again providing the new evidence we had acquired proving Brownridge's innocence (*see* attached Exhibits A-R), and requesting the office's continued investigation of the case. The case was promptly assigned to the newly-formed Conviction Integrity Unit "CIU", which continued the investigation.

6. Having concluded their investigation, the District Attorney now concurs that Brownridge was actually innocent of the murder for which he served 25 years in jail, and that

this crime was actually committed by Garfield Brown – a man with a violent and extensive criminal history, whom Brownridge had never met.

7. Accordingly, by this motion – and joined by the District Attorney’s Office – I now ask this Court to vacate Brownridge’s conviction on the grounds of actual innocence, to dismiss the indictment, and – at long last – to exonerate this innocent man whom our criminal justice system has grievously failed.

FACTUAL AND LEGAL BACKGROUND

The March 7, 1994 Murder of Darryle Adams

7. On March 7, 1994, at approximately 9:00 p.m., Kevin Boatwright was walking home when he was accosted by four men, two armed with guns, and one of whom was in a wheelchair. One of the men put a gun to Boatwright’s head, but Boatwright pleaded that he had no money and was just walking home, and they let him go.

8. As Boatwright quickly walked away from the men, he saw his friend Darryle “Peanut” Adams approaching them from the other direction. From a hiding spot behind a van, Boatwright saw the men approach Adams, who put his hands up, told the men that he had no money, and offered his wallet. One of the men pulled out a gun, and Adams dropped to his knees and pled for his life (Boatwright Trial: 242-43). The man in the wheelchair then hit Adams in the head with a bottle, and as Adams put his head between his hands, the man with the gun shot Adams in the back of the head. Boatwright ran home and called Adams’s father to tell him what happened. He did not call the police (Boatwright Trial: 244-46).

The Police Investigation and Arrest of Samuel Brownridge

9. Over the next week, detectives from the 113th Precinct investigated the murder, learning that there were four men involved in the shooting – including one suspect named Darren

Lee, who was confined to a wheelchair, and who had hit Adams over the head with a bottle just before he was shot (*see* Police Memo Book Entry, Exhibit O). Nevertheless, police did not investigate or attempt to locate Lee.

10. Two days after the shooting, on March 9, 1994, Kevin Boatwright was located and interviewed by police, describing the shooter as a “male blk, light skin, about 5-10, stocky build, mid 20s, short fade haircut, high on top shaved on sides.” (*see* Police Follow Up Report, Exh. L). Samuel Brownridge was only 18 and did not have a fade haircut at the time of the shooting; rather, he had a medium length afro, with the sides the same length as the top (*see* Brownridge Arrest Photo, Exh. E).¹

11. Later that day, Boatwright was shown two separate photo arrays, each consisting of large, clear, color photographs of six suspects.² From the first array, Boatwright identified suspect #2 as the man who had held a gun to his head and had shot Darryle Adams. This man *did not look anything like Samuel Brownridge* (*see* Exh. S; *compare with* Exh. E, Brownridge Arrest Photo). From the second array, he identified suspect #2 as the man in the wheelchair who had hit Adams over the head with a bottle. This man *did not look anything like Darren Lee* (*see* Exh. T; *compare with* Exh. G, Video Interview of Darren Lee). Subsequently, police determined that the suspects Boatwright identified in the photo arrays were not the perpetrators. Based on information recently obtained from the District Attorney’s Office via FOIL, it appears that police did not prepare and/or provide the prosecution with any DD5 police reports documenting

¹ Notably, it would have been impossible for Brownridge to have altered his hairstyle in this manner in the one week between the murder and his arrest, as his hair could not have grown out on the sides in this short time.

² These photo arrays were never disclosed to trial counsel, nor provided to current counsel pursuant to our FOIL request. However, they were obtained by ADA Schaeffer from the NYPD file during his re-investigation, and subsequently provided to me by CIU on February 24, 2020.

Boatwright's false positive identifications, and this significant *Brady* material was not disclosed to defense counsel at trial (*see* Mays Affirmation, Exh. K).³

12. Six days after Adams's murder, on March 13, 1994, Detective Ray Medina of the 113 Precinct spoke with Quentin Hagood, who was living in a group home for "mentally challenged" individuals, and was characterized throughout the proceedings as "very slow" (Openings: 187; Summations: 693; Hagood Trial: 320).⁴ According to Medina, Hagood stated that he observed a group of individuals run past him on the night of the shooting and recognized "Mookie" as one of these individuals (Medina *Wade* Hearing: 11-12). Medina recognized the nickname as belonging to Samuel Brownridge, whom Medina knew was a shooting victim in an unrelated pending case (Medina *Wade* Hearing: 12; Medina Trial: 430, 438).⁵

13. On March 14, 1994, Boatwright escorted Hagood to the 113th Precinct. Both men identified Brownridge from photo arrays, and, subsequently, in lineups, as the shooter.⁶ Notably, the lineups were conducted only one minute apart.⁷

³ Boatwright's misidentifications were documented, however, in a Homicide Investigations Memorandum prepared by ADA Johnnette Traill on March 14, 1994, following her attendance at the 113th precinct for lineups in which Boatwright was not able to make an identification (attached as Exhibit J). This document, obtained by my firm via FOIL, was also not disclosed to the defense at trial.

⁴ Police reports do not detail how and why Hagood came to the attention of police as a possible witness. However, it appears that police learned of Hagood from Kevin Boatwright, and that Boatwright -- and later police -- pressured Hagood to implicate and identify Brownridge as the shooter (*see* Hagood Affidavit, Exh. M).

⁵ On October 1, 1993, Brownridge had been the victim of a St. Albans shooting, in which police were seeking his cooperation.

⁶ According to Hagood, detectives actually showed him only a single photograph of Brownridge before the lineup, and although he told the police that he did "not think Brownridge did it," detectives told him that "Adams' family thought Brownridge was the shooter ... Kevin Boatwright knew Brownridge was the shooter ... and [Hagood] was the only one who did not think Brownridge was the shooter." Thus, according to Hagood, both Boatwright and police "pressured [him] to identify [Brownridge]." *See* Hagood Affidavit, Exh. M.

⁷ Prior to trial, defense counsel challenged the lineups as unduly suggestive, stating that the lighting over Brownridge, as depicted in the photograph of the lineup, was different than the lighting over the other fillers, which suggested to the witnesses that Brownridge was the suspect, and also arguing that Hagood and Boatwright must have been improperly standing next to each other when they viewed the lineup, since the positive identifications

14. Following these dubious identifications – whose validity law enforcement should have had every reason to doubt – Brownridge was arrested, charged, and indicted for three counts of Murder in the Second Degree (PL §125.25[1], [2], and [3]), Attempted Robbery in the Second Degree (PL §265.03), Criminal Possession of a Weapon in the Second Degree (PL §265.02[4]), and Menacing in the Second Degree (PL §120.14[1]) under the theory that, acting in concert with an unapprehended man in a wheelchair and two others, he had threatened Boatwright and murdered Adams (Ind. No. 1094/94). Although police had not located any of the other suspects involved in the murder, and had not recovered the weapon or any physical evidence whatsoever implicating Brownridge, they closed their investigation upon Brownridge's arrest, only one week after the homicide.

The Trial and Sentence

15. On April 5, 1995, Brownridge proceeded to trial, represented by attorney Michael Mays, who, at that time, had been admitted to practice for less than two years.

16. The prosecution's chief evidence against Brownridge at trial consisted *solely* of the testimony of Boatwright and Hagood.

17. Boatwright testified that Brownridge was the man who had held a gun to his head and then shot Adams. Notably, Boatwright's description of the perpetrator at trial changed to better match Brownridge's appearance and haircut (*see* Boatwright: T260-61; 305 [now describing shooter with short cut afro, rather than a fade haircut]). The jury never learned of Boatwright's prior identification of a man who looked nothing like Brownridge – which would have substantially diminished the force and credibility of his identification. Indeed, on summation, the prosecutor affirmatively argued that Boatwright had been absolutely positive and unwavering

were made a mere minute apart (*Wade* Hearing: 41-42). The court interrupted counsel, stating, "That's enough," and after asking counsel if he had anything further, told counsel, "Your motion is denied" (*Id.* at 42).

in his identification, and that he had superior ability in this regard, as he had been specially trained as a “watchman” to make accurate observations (Summation: T700, 703).

18. Hagood also testified that he saw Brownridge shoot Adams (Hagood: T316-18; 325). Not only was this a marked change from his initial statements to police, where he stated that he only saw people running from the scene in the aftermath of the shooting, but based on the crime scene photos and physical layout of the street, it was actually physically impossible for Hagood to have witnessed what he claimed from his location during the crime.⁸ Nevertheless, to justify the multiple inconsistencies – and even impossibility – of Hagood’s testimony, the prosecutor argued to the jury on summation that Hagood’s problematic testimony should be credited because he told them what he saw, and he was “so slow” that he was “incapable of lying” (T693).

19. During the defense case, counsel attempted to proffer Brownridge’s mother, fiancé, and her aunt as alibi witnesses, but, upon the People’s objection, the trial court precluded defense counsel from calling these witnesses because of counsel’s failure to timely file notice of alibi (Trial: 463; 514-15). Brownridge nevertheless testified in his own defense, maintaining his innocence.

⁸ Indeed, Hagood’s testimony was riddled with obvious errors and significant problems. He claimed, strangely, that there was a “crowd” around the victim during the shooting, but that he was the only one who heard the gunshot (T317, 332-35, 369); testified that he did not see Boatwright on the night of the murder, though he had previously stated that Boatwright was walking with Adams (T342-43, 351); claimed that he saw Adams hit in the head with a “40 bottle” and could actually “smell” the beer from his location on a porch more than 60 feet away (T330, 347); was not able to indicate where he saw Adams’s body because he was “not good with directions” (T367); claimed that he was sitting outside during the shooting because it was warm, though it was below freezing, and then became uncertain of where he actually was (T326, T328); misidentified the hat he allegedly saw the victim wearing (T344-46); claimed that his vision was 20/20, but then said that he needed glasses to see an exhibit (T331, 335-37); stated that his vision was better when it was dark (*id.*); stated that he was able to identify Brownridge because he “just remember[ed] him by the lineup” (T338), and later, apparently confused, denied that he had ever even viewed a lineup (T342).

20. On April 19, 1995, Brownridge was convicted of intentional and felony murder (PL §§125.25[1] and [3]).⁹

21. On May 17, 1995, Justice Hanophy sentenced Brownridge to an indeterminate prison term of 25 years to life on each of the two murder counts, stating that the two periods of incarceration must “unfortunately” run concurrently. The judge further stated, “It will be my recommendation to the Department of Parole that he serve out the maximum sentence; that is, until he dies” (Sentencing: 5-6).

22. At the time of his conviction, Brownridge was only 19 years old. He had only one prior arrest for drug possession, no history of gun possession, and no history of violence whatsoever – either before his arrest, or during the 25 years he spent in prison thereafter.

The Direct Appeal

23. On or about June 30, 1999, through assigned counsel, Brownridge filed a direct appeal to the Appellate Division, Second Department, arguing that he had been denied due process as a result of the prosecutor’s summation comments referring to Brownridge’s defense as “absurd,” “ridiculous,” and a “smokescreen;” commenting on defense counsel’s failure to cross-examine in certain areas; and improperly appealing to the sympathies of the jurors.

24. On September 1, 1999, the prosecution opposed Brownridge’s direct appeal, arguing that his claim regarding the prosecutor’s summation was unpreserved for appellate review because defense counsel did not register objects to the comments in question, that the prosecutor’s remarks were otherwise fair comments on the evidence and responsive to the defendant’s summation, and that even if the remarks were improper, any error was harmless in light of the allegedly “overwhelming” evidence of Brownridge’s guilt.

⁹ The People moved to dismiss the remaining counts of the indictment (Trial: 650).

25. By Decision and Order dated December 13, 1999, the Appellate Division affirmed Brownridge's conviction, *People v. Brownridge*, 267 A.D.2d 318 (2d Dept. 1999), and on February 17, 2000, the Court of Appeals denied him leave to appeal. *People v. Brownridge*, 94 N.Y.2d 901 (2000).

The Initial 440 Motion

26. On August 4, 1999, while his appeal was pending, Brownridge filed a *pro se* motion to vacate judgment under CPL §440.10, arguing that his trial attorney, Michael Mays, was ineffective for failing to file notice of alibi, resulting in the preclusion of Brownridge's alibi defense at trial. The prosecution opposed the motion, and while initially the motion was denied without a hearing, upon reargument -- and over the prosecution's objection -- Justice Hanophy granted a hearing.

27. On May 3, 2002, after the hearing was ordered, but before it commenced, a man named Mark Taylor was arrested in Florida and extradited to New York. In an attempt to broker a deal, Taylor informed detectives that he had been present at a homicide that had occurred in Queens County a number of years ago, that the person who had been arrested and convicted for the murder was the wrong man, and that he knew who had actually committed the crime. Detectives promptly informed ADA Richard Schaeffer, who was assigned to the pending 440 hearing, who spoke with Taylor and his attorney preliminarily in early May, and then arranged for a more extensive interview with Taylor on July 24, 2002 (*see* Exh. A & B: 5/10/02 and 7/24/02 Limited Use Immunity Agreement and Schaeffer Aff.).

28. Taylor told Schaeffer that he was among the group of men involved in Adams's murder in 1994, along with Darren Lee -- who was in a wheelchair -- Dean Hoskins,

and Garfield Brown. Taylor recounted that Lee smashed Adams in the head with the bottle, and that Garfield Brown shot Adams in the head (*see* Exh. C: Schaeffer Interview Notes).

29. This spurred an extensive investigation by ADA Schaeffer, who interviewed numerous witnesses, including Hoskins, and later Lee, both of whom admitted being present at the homicide, and both of whom unequivocally stated that Garfield Brown shot Adams, and that Brownridge – whom they did not know – was not present (*see* Exh. D: Schaeffer Interview Notes).

30. Schaeffer’s investigation also revealed that Garfield Brown – who looked *remarkably similar* to Brownridge (*see* Exh. E: Photos) – had a very violent history, had been featured on America’s Most Wanted, had done time in California for Manslaughter, and was wanted for the 2001 murder of Kelvin Parks in Connecticut, and the 1999 murder of Patrick Harris in Queens, who had both been shot.

31. Prior to Schaeffer’s investigation – but, notably, *after* Mark Taylor came forward with his information – Brown was killed in North Carolina in a shoot-out with police (*see* Exh. F: News Article).

32. As a result of Schaeffer’s investigation, the scope of the 440 hearing was expanded to include a claim of “newly discovered evidence.” At that time, there was no freestanding actual innocence claim recognized under 440, as there is today. *See People v. Hamilton*, 115 A.D.3d 12 (2d Dept. 2014).

33. The hearing took place during the summer of 2003 – almost 10 years after the murder. At the hearing, Brownridge, as well as his mother, Hattie Brownridge, and his fiancé, Ruth Bolton, testified that Brownridge was at Ruth Bolton’s house at the time of the homicide, that they so advised attorney Mays, and that they would have so testified at trial

(440 H2-63; 138-182). Bolton's aunt, Charlene Woodbury, also corroborated this alibi in an interview with ADA Schaeffer, but was not called to testify. Mays testified that he did not remember being told of an alibi, but also did not remember what his defense was in the case. He did concede learning of a potential alibi defense at some point, but he believed it was after the trial had started (440 H185-219).

34. With respect to the third-party culpability evidence, Dean Hoskins testified that he was with Lee, Taylor, and Brown at the time of the murder, and saw Garfield Brown shoot Adams (440 H261-62). Hoskins further testified that Brownridge was not involved, and, indeed, Hoskins did not know him (440 H258). Darren Lee was interviewed by ADA Schaeffer out of state, and his videotaped statement was provided to the court (*see* Exh. G: Videotaped Statement of Darren Lee). Lee stated that he was with Hoskins, Brown, and Taylor on the night of the murder, and that he saw Brown shoot Adams in the head (*id.*). Like Hoskins, Lee was not friends with Brownridge, and did not "hang out" with him (*id.*). Another witness, Michael Saxton, testified that he saw Brown, Lee, Hoskins, and Taylor together on Farmers Boulevard on the day of the murder, and he knew they had all been involved (440 H369). Indeed, a day or two later, Taylor told Saxton he was "not going down for anybody else's trouble," which Saxton understood to relate to Brown's shooting of Adams (440 H368-69). And in subsequent conversations, Lee and Hoskins directly admitted to Saxton that they were present, and that Brown shot Adams (440 H401). Saxton knew Brownridge from High School, and while he did not witness the homicide, he was "sure" that Brownridge was not involved because Brownridge "didn't even know" the perpetrators (440 H374). While Brownridge was Saxton's friend, and Saxton knew that Brownridge had been arrested and convicted for a murder he did not commit, Saxton did

not come forward with the information he possessed until after Garfield Brown's death, because Brown was also his friend, and Saxton didn't want to be "a rat or, ... even worse" a "dead rat" (440 H398-99).

35. While all of these witnesses thus unequivocally testified that Brownridge was not involved in the incident and that Garfield Brown shot and killed Adams, none of them were willing to corroborate Darren Lee's role in striking Adams with the bottle, as had been recounted by Taylor to ADA Schaeffer consistent with Boatwright's account, nor that either Hoskins or Taylor had also brandished a gun during the incident. Indeed, at the hearing, Mark Taylor, who was forced to testify over his objection, stated – contrary to all the statements he had made to ADA Schaeffer during the investigation – that he was *not* present during Adams's murder, and did not see Garfield Brown shoot anyone in St. Albans in 1994 (440 H234-35; 255).¹⁰

36. In a 2004 decision, Judge Hanophy denied the 440 motion, concluding that counsel's failure to file alibi notice did not deprive Brownridge of the effective assistance of counsel, as the proffered alibi testimony from Brownridge's family contained both factual and logical gaps and was thus unreliable and unpersuasive. Citing *People v. Salemi*, 309 N.Y. 208

¹⁰ The change in Taylor's position was devastating to the defense at the 440 hearing, but, unbeknown to the court, and as clearly revealed by materials obtained by current counsel pursuant to FOIL, it was a result of threats made to Taylor and his family prior to his testimony as a result of his implicating Lee in the murder (*see* Controlled Call between Taylor and Eric Lanch, Exh. I, telling Taylor that he had been labeled a "snitch" in the community; that "everybody" was coming to watch him testify, as it was the "talk of the town"; and explaining to Taylor that his testimony not only implicated Brown, but also Lee in the crime: "that's accessory son ... he was there and he did something That's still the same thing. ... They run together and they acted together. They rode up together Guilty. Especially the other n****r hit him with the bottle. That's a guilty"). Nevertheless, before the conclusion of the hearing, Taylor advised the attorneys that he wanted to "come in and correct his testimony." To that end, ADA Schaeffer offered to extend Taylor immunity from any perjury prosecution based on Taylor's prior hearing testimony falsely denying his presence and knowledge of the crime (*see* Exh. H: 3/15/04 Proceedings at 2-3, 11). Justice Hanophy rejected this, however, ruling that he would "not accept" any offer of immunity, and emphatically stating that if Taylor was recalled to the stand, and provided any exculpatory testimony for Brownridge, he would "recommend to the District Attorney's office that they prosecute him for perjury" (*id.* at 3, 5, 11). Accordingly, Taylor was never re-called to the stand to correct his false hearing testimony.

(1955), the court likewise denied the newly discovered evidence claim, noting that Hoskins and Lee's accounts were inconsistent with eyewitness testimony and evidence establishing that the victim had been hit in the head with a bottle before being shot, and was soundly refuted by Taylor's testimony that he was not present during the homicide. The court thus held that the "purported new evidence" – blaming a dead man, who couldn't refute the allegations against him – was equivocal, inconsistent, and incredible, and thus, unlikely to result in a more favorable verdict upon retrial.

37. Brownridge, *pro se*, sought leave to appeal – focusing almost entirely on the alibi claim that had been previously briefed. On November 20, 2006, his application for leave to appeal was denied.

Federal Habeas Corpus

38. On December 21, 2006, Brownridge filed a *pro se* petition for a writ of habeas corpus in the United States District Court for the Eastern District of New York, restating the claims he had raised on Appeal and in his 440 motion. On July 15, 2010, this petition was likewise denied.

THE PRESENT MOTION

39. In 2017, as noted above, my firm agreed to represent Brownridge *pro bono* and reopened this investigation. As a result of our efforts, we obtained additional witness statements and new evidence bolstering the conclusion that Brownridge is actually innocent of this murder, and, further, casting very serious doubt on the validity of Boatwright's and Hagood's identifications and trial testimony – which constituted the *only* evidence against Brownridge. Specifically, we discovered, and provided the District Attorney's Office, with the following new information and evidence:

New Evidence Undermining Kevin Boatwright's Identification

40. My investigation revealed that Kevin Boatwright – the People's star witness, who was held out by the prosecutor at trial as being absolutely positive and unwavering in his identification, and specially trained as a "watchman" to make accurate observations (T700, 703) – had actually made *incorrect positive identifications* in *two separate* photo arrays prior to his identification of Brownridge, incorrectly identifying the man in the wheelchair in one, and the shooter – who had also previously put a gun to Boatwright's head – in another (*see* Exh. J, QDA Internal Memos). This powerful *Brady* material was not disclosed to the defense (*see* Exh. K: Mays Affidavit ¶¶5, 6), and certainly was never made known to the jury that convicted Brownridge based on factual misrepresentations about the strength of Boatwright's identification, and probably almost entirely on Boatwright's ID.

41. Worse still, the person whom Boatwright identified as the gunman just two days after the murder – from a large, clear, color photograph – bears *absolutely no resemblance whatsoever* to Brownridge (*see* Exh. S). Indeed, so different are the appearances of the two men, that it is inconceivable that Boatwright, if not improperly influenced by some outside source, could have conceivably picked Brownridge from a lineup later that same week. This critical photo array was, likewise, withheld from the defense and not presented to the trial jury.

42. Moreover, as revealed in a heavily redacted DD5 obtained by my office pursuant to our FOIL request, a witness, who we subsequently determined was Boatwright, initially described the shooter as a "Male blk, light skin, about 5-10, stocky build, mid 20s , short fade haircut, high on top shaved on sides" (*see* Exh. L). While Brownridge and

Brown look remarkably similar (*see* Photos, Exh. E), Boatwright's initial height description matched Brown and not Brownridge, and his description of the shooter's "short fade ... high on top shaved on sides" haircut was consistent with Garfield Brown's cut, but wholly inconsistent with the afro Brownridge had at the time of the crime, as clearly shown by his arrest photo less than one week later (*id.*). Indeed, it would have been impossible for Brownridge's hair to grow out from "shaved on sides" to an afro in one week's time.

43. Boatwright's initial description of the shooter was also inconsistent with Boatwright's trial testimony, where he changed his description to match Brownridge, testifying that the shooter had a "short afro" haircut instead of a fade (T 261, 305). Trial counsel affirms that he does not believe he received this DD5 (*see* Exh. K, ¶¶7, 15-16).¹¹ Certainly, counsel did not cross Boatwright on this, and the jury never learned of the significant inconsistencies between Boatwright's trial testimony and his original description of the shooter.

New Evidence Undermining Quintin Hagood's Identification

44. Quentin Hagood – the *only* other source of *any* evidence presented against Brownridge at trial – was located and interviewed by my office, and has now provided an affidavit, detailing that although he told the police that he "did not think Brownridge did it," both Boatwright and the police told him that they already knew Brownridge killed Adams, and "pressured [Hagood] to identify Brownridge" in a lineup (*see* Exh. M, Hagood Aff.). They also told Hagood that he "would go to jail if [he] did not testify against Brownridge" (*id.*) Hagood now further avers that he was shown "one single photograph" of Brownridge

¹¹ And, in any event, given the redactions of Boatwright's name *everywhere* in this DD5, even if Mays *had* received it as part of discovery, the disclosure in this redacted form would have been woefully insufficient to satisfy *Brady* and *Rosario* obligations.

by police “before the lineup,” which contradicts police testimony and clearly impacts the validity of his identification. According to Hagood’s affidavit, his identification of Brownridge as the shooter was “a lie.” He states that he conveyed this prior to trial to the police and prosecutor, who met with him “a few days before the trial and also on the day [he] testified at trial,” and who similarly pressured him to testify against Brownridge (*id.*).

45. My office also obtained through FOIL Hagood’s written statement to police, dated March 14, 1994, containing numerous statements incongruous with his trial testimony, including that he saw Adams walking together with Boatwright, and saw “the man” who shot Adams point a gun at Boatwright, too (*see* Exh. N). At the end of the written statement, Hagood says that he told police on March 13 that he “*know[s]* one of the men involved was [Brownridge],” but, notably, does not say *how* he acquired this knowledge (ie., from Boatwright?) and never says that he saw the shooting. He further states that he was previously untruthful with police in concealing that Brownridge was the shooter. In context, Hagood’s written statement seems to suggest that he “saw a man,” whom he either could not see clearly or did not know by name, draw a gun on Boatwright and shoot Adams, and then he subsequently came to “know” that this “man” was Brownridge (*id.*). Trial counsel Mays affirms that he does not believe he received this document as *Rosario* material prior to Hagood’s testimony, as he “would have used this written statement during [his] cross-examination of Quentin Hagood had it been provided to [him]” (*see* Exh. K, ¶¶12, 22-23). Indeed, the record does not indicate that this was turned over, and seems to support that it was not, as the trial ADA was uncertain if he would call Hagood up until the morning of his testimony, and did not even disclose Hagood’s name to the defense until the day of his testimony at trial. In any event, the jury never learned of any of these issues

with Hagood's testimony; nor have any courts since. Ironically, the trial prosecutor argued to the jury on summation that Hagood's problematic testimony should be credited because he was "so slow" that he was "incapable of lying" (T693) -- a statement incongruous with Hagood's undisclosed written statement, where he affirmatively admits that he was initially untruthful with police.

New Evidence of the Police's Knowledge of, and Failure to Investigate, Darren Lee

46. Darren Lee had, apparently, been implicated as the "man in the wheelchair" who "hit victim over head w/ bottle" by numerous witnesses during the one-week police investigation conducted in this case, as indicated by various materials received pursuant to my office's FOIL request (*see* Exh. O). Nevertheless, these materials were apparently never disclosed to defense counsel at trial (*see* Exh. K, Mays Aff. at ¶¶8-11, 17-21), and it appears that this lead was never pursued by police. Inexplicably, this murder investigation was closed by police in *one week* without any attempt to locate *named and identified suspects* -- including *a man in a wheelchair* -- who were not only implicated in the murder as accomplices, but who were also eyewitnesses that could have identified the shooter. This non-disclosure obviously implicates *Brady, Rosario*, and due process concerns. Indeed, viewed through the prism of this evidence, the prosecution's summation comment that it was "ridiculous" for the defense to suggest that the police "did a shoddy investigation" (T684) is deeply troubling.

New Evidence of Garfield Brown's Confession to the Murder

47. Bolstering the other voluminous evidence supporting an actual-innocence claim, discussed above and presented at the initial 440 hearing (including alibi evidence from Hattie Brownridge, Ruth Bolton, and Charlene Woodbury; and exculpatory third-

party culpability evidence from Mark Taylor, Darren Lee, Dean Hoskins, and Michael Saxton), my office subsequently obtained evidence that, prior to his death, Garfield Brown *admitted* that he had committed this murder.

48. Andre Devieux, a close friend of Garfield Brown, and godfather to Brown's son, has provided us with an affidavit stating that one evening in March (although Devieux could not remember the year), Brown called him agitated and told him that he "was bugging" and "was not going to drink anymore." He then told Devieux that he was with "Bear [Mark Taylor] and Darren Lee" and one other man whose name Devieux did not recall, and had gotten "kicked out of a cab on some back street in St. Albans." ... "As they were walking they came upon this dude," and Brown "pulled out his gun and told the dude to get on his knees." While the man was kneeling, "Darren Lee hit him over his head with a bottle" and then Brown asked the man, "are you scared, are you ready to die?" and then "shot him in the head and killed him." Brown also told Devieux that they took the guy's jacket. Devieux told Brown to calm down, and ended the call (*see* Exh. P: Devieux Aff.).

New Evidence of Mark Taylor's Presence During the Homicide

49. Further corroborating the participants' accounts of Garfield Brown's murder of Adams provided at the initial 440 hearing (*see* Interview of Lee and testimony of Hoskins), and further refuting Taylor's recantation during his hearing testimony denying his involvement and knowledge of the crime, is the affidavit of James Goodwin, whom my office located as part of our investigation in 2018. Goodwin has provided us with an affidavit stating that in "March, 1994" he was in his "parked Jeep, with Michael Saxton on the passenger side," when Mark Taylor approached the car and "got in the back seat."

Taylor exclaimed, “Garfield did it ... shot that guy for nothing ... I’m not going down for it. He shot this guy for nothing” (see Exh. Q: Goodwin Aff.).

50. This is also corroborated by a 2018 affidavit from Michael Saxton (see Exh. R: Saxton Aff.), stating that on March 7, 1994, he, too, was seated in the front passenger seat of Mr. Goodwin’s Jeep when Mark Taylor jumped in the backseat and told them that Brown just shot a guy for no reason. When Saxton asked Taylor what he was talking about, he replied, “I don’t know why Garfield did this bullshit. I’m not going down for what he did. He shot this guy for nothing.” Taylor then got out of the car, and Goodwin drove off. Additionally, Saxton reiterated the assertions he made at the evidentiary hearing -- namely, that he and Brown grew up in St. Albans together and that Brown was a violent individual; that earlier in the day on March 7, 1994 he had seen Garfield Brown, Mark Taylor, Dean Hoskins, and Daryn Lee together on Farmers Boulevard; and that Taylor, Hoskins, and Lee all told him on separate occasions that Garfield Brown shot Adams for no reason.

LEGAL ARGUMENT

BROWNRIDGE IS ACTUALLY INNOCENT OF THE CRIMES FOR WHICH HE WAS CONVICTED, REQUIRING THE VACATUR OF HIS CONVICTION AND DISMISSAL OF THE INDICTMENT PURSUANT TO CPL §§440.10(1)(h) and 440.30(3).

51. It is “abhorrent to our sense of justice and fair play to countenance the possibility that someone innocent of a crime may be incarcerated or otherwise punished for a crime which he or she did not commit,” *People v. Tankleff, supra*, and such conviction violates the Due Process Clause of the New York State Constitution and the prohibition against cruel and unusual punishments. N.Y. Const. art. I, §§ 5 and 6. *People v. Wheeler-Whichard*, 25 Misc.3d 690, 691 (Sup. Ct. Kings Co. 2009). Accordingly, Appellate Courts throughout the state have recognized a freestanding claim of actual innocence as a cognizable ground to vacate a judgment of

conviction under CPL §440.10(1)(h). *People v. Hamilton*, 115 A.D.3d 12 (2d Dept. 2014); *see also People v. Mosley*, 155 A.D.3d 1124 (3d Dept. 2017); *People v. Jimenez*, 142 A.D.3d 149 (1st Dept. 2016); *People v. Conway*, 118 A.D.3d 1290 (4th Dept. 2014).

52. Pursuant to CPL §440.30(3), a court “must grant [a motion to vacate judgment] without conducting a hearing ... if (a) the moving papers allege a ground constituting a legal basis for the motion; and (b) such ground, if based upon the existence or occurrence of facts, is supported by sworn allegations thereof; and (c) the sworn allegations of fact essential to support the motion are conceded by the People to be true....”

53. Here, the totality of the available evidence in this case -- as detailed above in this affirmation, and as further supported by the record of the proceedings to date, the attached documentary proof, and the sworn affidavits of multiple witnesses attached hereto – now establishes, by clear and convincing evidence that Samuel Brownridge is actually innocent of the crimes for which he was convicted, and that Garfield Brown shot and killed Darryle Adams.¹² These key facts are, further, now conceded by the People to be true, as stated in the Affirmation of ADA Bryce Benjet, and, indeed, the People now join in this motion to vacate the conviction.

54. Accordingly, after unjustly serving 25 years in prison for a crime he did not commit, Brownridge’s motion to vacate his judgment of conviction and dismiss the indictment must now – at long last -- be granted.

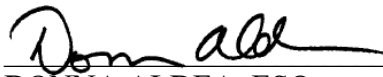
¹² While the facts and evidence presented in support of this motion would also be sufficient to require vacatur under CPL §440.10(g) on the grounds of newly discovered evidence, and under CPL §440.10(h) for several other constitutional violations, including law enforcement’s failure to disclose material exculpatory evidence to the defense in violation of *Brady v. Maryland*, these claims – which would afford only the less complete remedy of a new trial – are not necessary to this motion, and need not be resolved by this Court.

CONCLUSION

For the foregoing reasons, this Court should summarily vacate Brownridge's judgment of conviction and dismiss the indictment.

Dated: June 17, 2020
Garden City, New York

Respectfully submitted,



DONNA ALDEA, ESQ.
Barket Epstein Kearon Aldea & LoTurco, LLP
666 Old Country Road, Suite 700
Garden City, New York 11530
(516) 745-1500
daldea@barketepstein.com
Attorney for Samuel Brownridge

EXHIBIT A



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

Richard A. Brown
District Attorney

May 10, 2002

Scott Brettschneider, Esq.
80-02 Kew Gardens Road
Suite 701
New York, New York 11415

RE: Mark Taylor
NYSID # [REDACTED]
Limited Use Immunity Agreement

Dear Mr. Brettschneider:

1. This is to confirm that I contacted you earlier in the week after I learned that your client, Mark Taylor, informed a detective that Mr. Taylor possesses personal knowledge of a certain past homicide that occurred in Queens County, and that Mr. Taylor is willing to be interviewed by representatives of the Office of the Queens County District Attorney (hereinafter the "QDA") regarding said homicide.

2. This letter constitutes the terms of the agreement that shall govern the meeting that will be held today, May 10, 2002, at the office of the QDA at 80-02 Kew Gardens Road, Kew Gardens, New York, among representatives of the QDA, yourself and your client, Mark Taylor (hereinafter referred to as "the Meeting").

3. The QDA will not offer in evidence, in its case in chief in any prosecution of Mark Taylor, or in connection with any sentencing proceeding, any statements made by Mr. Taylor during the Meeting, except in a prosecution for obstruction of governmental administration or perjury.

4. Notwithstanding ¶ 3 above:

(i) The New York City Police Department and the QDA may use information derived directly or indirectly from statements made by Mr. Taylor at the Meeting for the purpose of obtaining leads or other evidence, which evidence may be used in any prosecution of Mr. Taylor by the QDA, and;

(ii) the QDA may use statements made by Mr. Taylor at the Meeting and all evidence obtained directly or indirectly therefrom for the purpose of cross-examination should Mr. Taylor testify, or to rebut any evidence offered by or on behalf of Mr. Taylor, in connection with any prosecution of Mr. Taylor by the QDA.

Scott Brettschneider, Esq.
May 10, 2002
Page Two

5. It is further understood that this Limited Use Immunity Agreement is limited to the statements made by Mr. Taylor during the Meeting and does not apply to any oral, written or recorded statements made by Mr. Taylor at any other time.

6. It is specifically understood and acknowledged by Mr. Taylor that the fact that representatives of the QDA are willing to interview Mr. Taylor regarding information in his possession that pertains to the past Queens homicide does not constitute a promise or representation that Mr. Taylor will be offered any consideration, benefit or plea bargain with respect to Queens County Indictment # QN10230/01.

7. No understandings, promises, agreements and/or conditions have been entered into with respect to the Meeting other than those set forth in this letter agreement and none will be entered into unless in writing and signed by all parties.

Very truly yours,

Richard B. Schaeffer
Assistant District Attorney

AGREED TO AND ACCEPTED:

Scott Brettschneider, Esq.
Attorney for Mark Taylor

Date

I have read the above two-page letter agreement entitled Limited Use Immunity Agreement, and I have discussed this letter agreement with my attorney, Scott Brettschneider, Esq. All questions I may have had have been answered by Mr. Brettschneider to my satisfaction. I hereby agree to and accept the terms and conditions of the above letter agreement.

Mark Taylor

Date

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY; CRIMINAL TERM; PART

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

MARK TAYLOR,

NYSID # [REDACTED]

INMATE # [REDACTED],

Defendant.

:
: INDICTMENT #
: 1154/02

:
:
: AFFIRMATION

-----X
RICHARD B. SCHAEFFER, an attorney admitted to practice in the courts of the state of New York and an Assistant District Attorney in Queens County, of counsel to RICHARD A. BROWN, District Attorney of Queens County, attorney of record for the People of the State of New York in the above-captioned proceeding, hereby affirms under the penalties of perjury that the following is true upon personal knowledge except as to those matters stated to be upon information and belief, and as to those matters, he believes them to be true.

1. I am an Assistant District Attorney employed by the Office of the Queens County District Attorney, and I am currently assigned to the Homicide Investigations Bureau. This affirmation is submitted in support of the District Attorney's application for a Take-Out Order and Line-Up Order, in the form annexed, pertaining to one Mark Taylor. Upon information and belief, Mr. Taylor is in the custody of the New York City Department of Correction, currently housed at the Otis Bantum Correctional Center on Rikers Island under NYSID # [REDACTED], INMATE # [REDACTED].

2. I am informed by Det. Moses Gonzalez of the NYPD Det. Squad attached to the Office of the Queens County District Attorney that on May 3, 2002, Det. Gonzalez returned Mark Taylor to Supreme Court, Queens County pursuant to an outstanding bench warrant that had been issued with respect to Mark Taylor as the named defendant

on Indictment # QN 10230/01. I am further informed by Det. Gonzalez that during the time that Mark Taylor was in his custody, Mr. Taylor informed Det. Gonzalez that Mr. Taylor had been present at a homicide that had occurred in Queens County a number of years ago; that he knows the person who committed the homicide; that the person who had been arrested and convicted for that crime was the wrong man; and that he would be willing to speak with the District Attorney's Office regarding his knowledge of this matter.

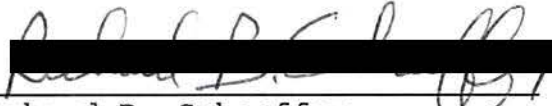
3. Scott Brettschneider, Esq. is the attorney representing Mark Taylor on Indictment # QN 10230/01, which is the pending case for which Mr. Taylor was returned on the warrant. I have spoken with Mr. Brettschneider and advised him of the information that I learned from Det. Gonzalez about Mr. Taylor's statements. Mr. Brettschneider informed me that he consents to the Court issuing a Take-Out Order so that Mr. Taylor can be brought to the District Attorney's office to meet with Mr. Brettschneider and to be interviewed by representatives of the District Attorney's Office.

4. The annexed, proposed Take-Out Order is drafted to indicate a ruse that the defendant will be removed from the custody of the New York City Department of Correction in order to participate in a line-up at the 105th precinct stationhouse. In fact, as indicated above, defendant will be taken to the Office of the Queens County District Attorney at 80-02 Kew Gardens Road, Kew Gardens, New York to attend a meeting with his attorney, Mr. Brettschneider, and representatives of law enforcement in

connection with Mr. Taylor's knowledge of the past homicide about which he spoke to Det. Gonzalez. It is submitted that the ruse line-up language is a necessary and prudent precaution to maintain the confidentiality of Mr. Taylor's cooperating with representatives of law enforcement and thereby to protect Mr. Taylor's physical safety. In my conversation with Mr. Brettschneider, Mr. Brettschneider consented to the Court issuing a Take-Out Order in the form of a ruse Line-Up Order. At the conclusion of the meeting with Mark Taylor, detectives will return Mr. Taylor to the custody of the New York City Department of Correction.

WHEREFORE, it is requested that the Court sign and issue a Take-Out and Line-Up Order, in the form annexed.

DATED: Kew Gardens, New York
May 10, 2002


Richard B. Schaeffer
Assistant District Attorney

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY; CRIMINAL TERM; PART

-----X
THE PEOPLE OF THE STATE OF NEW YORK :
 : INDICTMENT #
-against- : 1154/02
 :
MARK TAYLOR, :
NYSID # [REDACTED] : TAKE-OUT AND
INMATE # [REDACTED], : LINE-UP ORDER
Defendant. :
 :
-----X

TO: COMMISSIONER, NEW YORK CITY DEPARTMENT OF CORRECTION
Warden, Otis Bantum Correctional Center - Rikers Island

Upon the consent of Scott Brettschneider, Esq., attorney for the above-named defendant, **MARK TAYLOR**, and of A.D.A. Richard B. Schaeffer, which consent is acknowledged below,

IT IS ORDERED that on Friday, May 17, 2002, the New York City Department of Correction shall release the above-named defendant/inmate, **MARK TAYLOR**, NYSID # [REDACTED], INMATE # [REDACTED], to the custody of Chief Edward T. Brady, Chief of the Detective Investigators for the Queens County District Attorney or to his designated agent of the Office of the Queens County District Attorney, and it is further

ORDERED that Chief Brady or his designated agent shall escort **MARK TAYLOR**, to the 105th precinct stationhouse located at 92-08 222nd Street, Queens Village, Queens County, N.Y., for the purpose of said inmate participating in a lineup, and it is further

ORDERED that Chief Brady or his designated agent shall give reasonable notice to Scott Brettschneider, Esq., said inmate's attorney, of the time and place of said line-up and that said attorney and/or the inmate's investigator shall be afforded the opportunity to observe the viewing of said line-up, and it is further

ORDERED that Chief Brady or his designated agent is directed to have available at least five other persons who are of a sufficiently similar appearance to **MARK TAYLOR** to serve as fillers in said line-up, and it is further

ORDERED that at the discretion of Chief Brady or his designated agent, said inmate may be required to wear or remove particular clothing, or to wear a wig, hat, glasses and/or false facial hair, and it is further

ORDERED that Chief Brady or his designated agent shall photograph said line-up to preserve a fair and accurate depiction of the appearance of said inmate and the fillers as viewed by person(s) who view the line-up, and

IT IS FURTHER ORDERED that following the completion of said line-up

proceedings and in no event later than 11:59 P.M. on Friday, May 17, 2002, Chief Brady or his designated agent shall return **MARK ANTHONY** to the New York City Department of Correction at the jail facility where custody was obtained and that thereafter said inmate shall be incarcerated pursuant to the applicable securing order of the Court.

DATED: Kew Gardens, New York
May 17, 2002

SO ORDERED.

HON. ROBERT J. HANOPHY
[REDACTED]

JUSTICE OF THE SUPREME COURT

CONSENT TO ISSUANCE OF ABOVE
TAKE-OUT AND LINE-UP ORDER:

[REDACTED]
Scott Brettschneider, Esq.
Attorney for defendant,
Mark Taylor

5/17/02
Date

[REDACTED]
Richard B. Schaeffer
Assistant District Attorney

5/17/02
Date

EXHIBIT B



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

Richard A. Brown
District Attorney

July 24, 2002

Scott Brettschneider, Esq.
80-02 Kew Gardens Road
Suite 701
New York, New York 11415

RE: Mark Taylor
NYSID # [REDACTED]
Limited Use Immunity Agreement

Dear Mr. Brettschneider:

1. This is to confirm that I contacted you in the beginning of May 2002 after I learned that your client, Mark Taylor, informed a detective that Mr. Taylor possesses personal knowledge of a certain past homicide that occurred in Queens County, and that Mr. Taylor was willing to be interviewed by representatives of the Office of the Queens County District Attorney (hereinafter the "QDA") regarding said homicide. With your consent, Mr. Taylor was removed from jail, escorted to the District Attorney's offices and interviewed about the information regarding the homicide.

2. As I informed you this morning, it is necessary that we have an additional opportunity to question Mr. Taylor about the information that he provided. You have consented to Mr. Taylor being removed from jail for this purpose. This letter constitutes the terms of the agreement that shall govern the meeting that will be held today, July 24, 2002, at the office of the QDA at 80-02 Kew Gardens Road, Kew Gardens, New York, among representatives of the QDA, yourself and your client, Mark Taylor (hereinafter referred to as "the Meeting").

3. The QDA will not offer in evidence, in its case in chief in any prosecution of Mark Taylor, or in connection with any sentencing proceeding, any statements made by Mr. Taylor during the Meeting, except in a prosecution for obstruction of governmental administration or perjury.

4. Notwithstanding ¶ 3 above:

(i) The New York City Police Department and the QDA may use information derived directly or indirectly from statements made by Mr. Taylor at the Meeting for the purpose of obtaining leads or other evidence, which evidence may be used in any prosecution of Mr. Taylor by the QDA, and;

Scott Brettschneider, Esq.
May 10, 2002
Page Two

(ii) the QDA may use statements made by Mr. Taylor at the Meeting and all evidence obtained directly or indirectly therefrom for the purpose of cross-examination should Mr. Taylor testify, or to rebut any evidence offered by or on behalf of Mr. Taylor, in connection with any prosecution by the QDA of Mr. Taylor or of any other person.

5. It is further understood that this Limited Use Immunity Agreement is limited to the statements made by Mr. Taylor during the Meeting and does not apply to any oral, written or recorded statements made by Mr. Taylor at any other time.

6. It is specifically understood and acknowledged by Mr. Taylor that the fact that representatives of the QDA are willing to interview Mr. Taylor regarding information in his possession that pertains to the past Queens homicide does not constitute a promise or representation that Mr. Taylor will be offered any consideration, benefit or plea bargain with respect to Queens County Indictment # QN10230/01.

7. No understandings, promises, agreements and/or conditions have been entered into with respect to the Meeting other than those set forth in this letter agreement and none will be entered into unless in writing and signed by all parties.

Very truly yours,



Richard B. Schaeffer
Assistant District Attorney

AGREED TO AND ACCEPTED:

Scott Brettschneider, Esq.
Attorney for Mark Taylor

Date

I have read the above two-page letter agreement entitled Limited Use Immunity Agreement, and I have discussed this letter agreement with my attorney, Scott Brettschneider, Esq. All questions I may have had have been answered by Mr. Brettschneider to my satisfaction. I hereby agree to and accept the terms and conditions of the above letter agreement.

Mark Taylor

Date

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY; CRIMINAL TERM; PART TAP-C

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

MARK TAYLOR,

NYSID # [REDACTED]

INMATE # [REDACTED],

Defendant.

:
: INDICTMENT #
: 1154/02
:
:
: TAKE-OUT AND
: LINE-UP ORDER

-----X
TO: COMMISSIONER, NEW YORK CITY DEPARTMENT OF CORRECTION
Warden, Otis Bantum Correctional Center - Rikers Island

Upon reading the attached affirmation of A.D.A. Richard B. Schaeffer dated July 24, 2002,

IT IS ORDERED that on Wednesday, July 24, 2002, the New York City Department of Correction shall release the above-named defendant/inmate, **MARK TAYLOR**, NYSID # [REDACTED], INMATE # [REDACTED], to the custody of Chief Edward T. Brady, Chief of the Detective Investigators for the Queens County District Attorney or to his designated agent of the Office of the Queens County District Attorney, and it is further

ORDERED that Chief Brady or his designated agent shall escort **MARK TAYLOR**, to the 105th precinct stationhouse located at 92-08 222nd Street, Queens Village, Queens County, N.Y., for the purpose of said inmate participating in a lineup, and it is further

ORDERED that Chief Brady or his designated agent shall give reasonable notice to Scott Brettschneider, Esq., said inmate's attorney, of the time and place of said line-up and that said attorney and/or the inmate's investigator shall be afforded the opportunity to observe the viewing of said line-up, and it is further

ORDERED that Chief Brady or his designated agent is directed to have available at least five other persons who are of a sufficiently similar appearance to **MARK TAYLOR** to serve as fillers in said line-up, and it is further

ORDERED that at the discretion of Chief Brady or his designated agent, said inmate may be required to wear or remove particular clothing, or to wear a wig, hat, glasses and/or false facial hair, and it is further

ORDERED that Chief Brady or his designated agent shall photograph said line-up to preserve a fair and accurate depiction of the appearance of said inmate and the fillers as viewed by person(s) who view the line-up, and

IT IS FURTHER ORDERED that following the completion of said line-up proceedings and in no event later than 11:00 P.M. on Wednesday, July 24, 2002, Chief Brady or his designated agent shall return **MARK TAYLOR** to the New York City Department of Correction at the jail facility where custody was obtained and that thereafter said inmate shall be incarcerated pursuant to the applicable securing order of the Court.

DATED: Kew Gardens, New York
July 24, 2002

SO ORDERED.


HON.  J. HANOPHY

HON. ROBERT J. HANOPHY
JUSTICE OF THE SUPREME COURT

EXHIBIT C

Mtg w/ Mark Taylor

7/24/02

Darren Lee

Dean Hopkins - pushing Darren

Garfield Brown

Mark Taylor

Terrence Jackson

Mark Taylor says Darren told him:

- guy who shot Darren Lee was killed by Darren's relative
the same night

Garfield 6'0 / 5'11" 220 muscular

- Mad Dog 20/20 bottle - bottle thrown by Darren

- w/ 1st Kid: - Garfield
Terrence Jackson (beeper)

Darryle Adams - Darren argues

- " throws bottle; Dean pulls Darren back
approaches

- Garfield pulls gun

- Adams puts up hands

- Garfield tells him get on knees

- Darryle does

- Garfield shoots him

Terrance Jackson - (Killed in 1996)
- shot in groin - bled to death

Farmers + 112 - cab driver shot in head

- Degree +

$1\frac{1}{2}$ $2\frac{1}{2}$ 8

~ 3 years ago - Aug/Sept

Victor Chisholm ~ 24
on Woodhull & Jamaica (PH)
off

deceased: Patrick LNU
on 112th

- shot 3X

~ 4 months ago

- another homicide

Sharone Basket ~ 32
on 113th off Farmers

lives w/

- 3 kids & her mother (named Basket)

6/27/03

He from Mark Taylor

"Hi" Courtney Lewis
- Fla - Orlando

Terence Jackson

~~Mark Taylor~~
lives
- On Elmira Ave.

- C.O. at Edgcomb
Albert Taylor is
father of Mark

6/27/03

11:55 am

- 2 articles on wall:
① 90 cent
② Mark Taylor
- They're both
switches, going
to kill them

- bootlegged
- 109 & Farmers

it is on log up
from school
Mike Stacks' place

Eric
Lunch (ph)

Darren Lee
is in Queens

Friends of
Darren Lee
showed
Eric a gun
said they'd
kill Mark
Taylor

"Bigger" = Carl
Chisholm

Mike Stacks
Carl Chisholm
Fish ("Courtney")

cell

Ernest Mordaugh is
- step father
Eric's

Donald Lee
is Darren's
brother

? in car, rolled up
on Albert Taylor
said something
like Mark is
switching, he's
going to get killed

PO Collins

re: Graccio

1023 am
David Guy
+ 6202

EXHIBIT D

~~scribbled out text~~

6:25 PM 7/9/02 H/c from Darren Lee

- he didn't do that shit (guy who got arrested)
- Garfield Brown did it
- " " was drunk; he did it on his own, surprised everybody
- Dean Hopkins was there
- Mark Taylor " "

7:25 pm phone went dead

EXHIBIT E

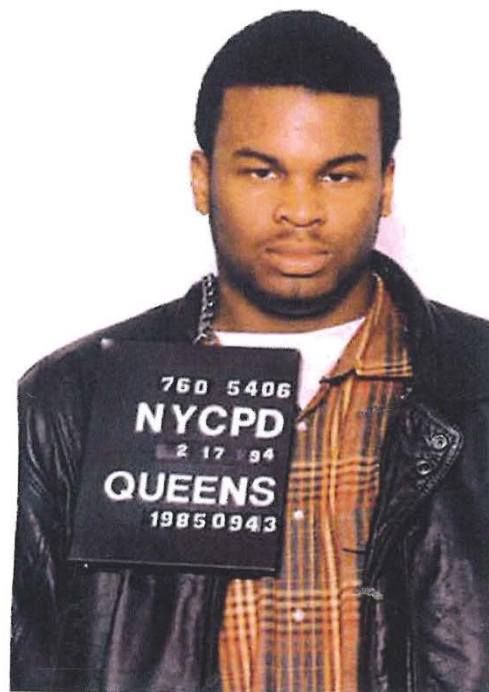


EXHIBIT F

https://www.greensboro.com/police-defend-officers-actions-mr-garfield-brown-violently-resisted-arrest/article_d6a1d95f-8f90-505d-bc04-a818189a8eb8.html

POLICE DEFEND OFFICERS' ACTIONS\ ``MR. (GARFIELD) BROWN VIOLENTLY RESISTED ARREST BY RAMMING AN OFFICER'S CAR TWICE TRYING TO GET AWAY,' SAYS GREENSBORO POLICE SGT. CRAIG MCMINN.

BY PHILLIP REESE Staff Writer

May 10, 2002

Police officers shot Garfield Brown only after he threatened their lives by twice ramming his car into one of their vehicles, authorities said Friday.

Brown, a 30-year-old fugitive wanted for murder in New York and

Connecticut, was shot and killed by four undercover officers Thursday afternoon. He was killed near the exit of the crowded Kmart Super Center on Bridford Parkway. Brown was armed, but authorities would not say whether he used his weapon or pointed it at officers.

``Mr. Brown violently resisted arrest by ramming an officer's car twice trying to get away,' Greensboro police Sgt. Craig McMinn said at a Friday press conference.

Officers first got word on May 3 that Brown was in the area visiting friends. On Thursday, police received a tip from a confidential source that Brown was at the Kmart Super Center.

Authorities went to the shopping center and managed to trap Brown before he could leave the parking lot, Greensboro police Capt. J.K. Davis said.

``When they got him stuck there, they thought it was best not to let him get away,' Davis said.

After Brown rammed the unmarked car, officers opened fire, police said. Davis would not say how many shots were fired or how many times Brown had been shot. There were at least 20 bullet casings on the ground near the site of the shooting, and several witnesses said the

officers fired numerous shots.

``Those guys, they unloaded,' said Rick Quimby, who was sitting at a bus stop about 40 feet from the site of the shooting. ``It was four of them with (handguns) ... I think he was hit by 25 shots.'

Authorities would only identify one of the officers involved in the shooting: Clarence Schoolfield, an 11-year veteran of the Greensboro Police Department. High Point police and the U.S. Marshals Service officials said it was against their department's policies to release the names of officers involved in shootings.

Davis said authorities are just starting their investigation and might not finish it for weeks. Guilford County District Attorney Stuart Albright said it was too early to say whether the officers acted appropriately.

``I am not reaching a decision about anything yet,' Albright said. ``As always with any use of deadly force by a law enforcement officer, there will be a full investigation of all agencies involved. Once that is complete, I will review the investigation and then decide what to do about the use of deadly force.

``Getting out my crystal ball, usually it takes about a month or so at least to get the report, then it will usually take about one to three weeks for me to review the report and decide.'

Brown was wanted for the January 2001 shooting death of Kelvin Parks in New Haven, Conn., according to authorities. Brown robbed him before killing him, authorities said.

New York City police also wanted Brown in connection with the August 1999 shooting death of Patrick Harris in Queens. New York

Detective Mike O'Sullivan said Friday that Brown and Harris got into a fight over money, with Brown possibly robbing Harris. Later that day, Harris tried to get his money back.

``When (Harris) rolled up the block, Garfield took the first step, basically beat him to the draw,' O'Sullivan said.

Officials from the U.S. Marshals Service on Friday defended their decision to try to arrest a murder suspect in the middle of one of the busiest areas of Greensboro, saying it was ``the safest way to arrest him.'

``Decisions have to be made based on the information you have at the time,' said Tom Morefield, operations supervisor for the U.S. Marshals North Carolina Middle District office. ``As you are looking at the case, you look for the best appropriate time to arrest the individual. We made a decision based on what we had at the time.'

Morefield said most of the shoppers at the center Thursday were either inside the store or far from the shooting and were not in great danger.

``If you look at the parking lot, the store, the least activity was in the area where he was arrested at,' Morefield said.\\ Contact Phillip Reese at 373-7021 or at preese@news-record.com

EXHIBIT G

1 Interview Darren Lee

2 2/10/04

3 Side A of tape

4
5 Q: Today is Tuesday February 10, 2004. It is 1:10p.m. My name is Richard
6 Schaeffer, I'm an Assistant District Attorney employment by the office of Queens
7 County District Attorney in New York City and we are present here at this time at
8 the home of Mr. Darren Lee. The address is [REDACTED]
9 >>>, [REDACTED] And you are Mr. Darren Lee.

10
11 A: That's correct

12
13 Q: and the other person in the room is Det. Chris Deluca, also of the Queens County
14 District Attorney's Office who is handling the video camera. And just for the
15 record Mr. Lee you understand that the video camera is operating and the goal
16 here is to take the video tape and audio tape statements of, from you. And then
17 bring it back to the court. And we will see what the court says in terms of utilizing
18 this statement. Now actually, what I also intended to do >>>
19 to let you know that this statement is being taken in connection with a case that's
20 pending in Queens County. Involving a person who was arrested and convicted
21 for a murder that took place March 7, 1994. You are aware of that right

22
23 A: mmh

24
25 Q: now, the individual has an attorney who unfortunately could not be here today, his
26 name is Jason Russo. And he said he wasn't going to be available shortly after 1,
27 lets see if this works so that I can get him on the cell phone he can actually hear
28 your statement as well. (Dialing)
29 Jason its Richard Schaeffer, I'm actually in Mr. Lee's [REDACTED] right now in >>>,
30 [REDACTED] and we just started the video camera and we are going to start the
31 interview. Not knowing when you are going to be available, I thought you said
32 you were going to be available now. What I'll do is I'll, we'll continue a, we'll go
33 forward and as soon as you get the message call in on the cell phone [REDACTED]
34 [REDACTED] Thank you. Cingular (laugh)

1 A: you want to hold on a second, it's just, I want to, ok. (Deluca)
2
3 Q: >>> is for the benefit of the record. Det. Deluca stopped the video camera for
4 about a minute, just to switch batteries and we'll continue now. Mr. Lee how old
5 are you now?
6
7 A: [REDACTED]
8
9 Q: and what is your date of birth?
10
11 A: [REDACTED]
12
13 Q: what is your social security number?
14
15 A: [REDACTED]
16
17 Q: Now as I indicated before Det. Deluca and I are re-investigating a murder that
18 occurred on March 7, 1994. Which was a Monday in Queens County in New
19 York City. Specifically near the intersection of Quincer Road and Mexico Street.
20 Now I know this is almost 10 years ago (phone ringing)
21 You want me to stop and go and get it or
22
23 A: no, no, no
24
25 Q: >>> lets stop the tape. The camera stopped briefly so that Mr. Lee can answer
26 the telephone. As you sit here today do you have a recollection of the events of
27 that night, specifically March 7 of 1994 about 9 o'clock in the evening?
28
29 A: that same night?
30
31 Q: yeah the night that an individual was shot at Quincer Road and Mexico Street in
32 Queens
33
34 A: yeah I do remember

1 Q: ok

2

3 A: but I don't remember everything, I just know that that night someone got killed.

4

5 Q: were you there when that happened?

6

7 A: yeah, I was there

8

9 Q: Ok, why don't you tell us in your own words everything you remember about that

10 evening starting with dinner time and there after.

11

12 A: Dinner time that's to far back. We was outside walking down, like he said walking

13 down Quincer. Me and the other individuals G. Brown, D. Hopkins >>> and they

14 were pushing me and one guy came out the intersection. G. Brown went up to

15 him and >>> and pulled out a gun and boom just shot him, shot him you know

16 what I mean. Everything like happened so fast he just shot him. Right in the arm.

17 That's >>> the most important thing that stuck in my mind that whole night until

18 you know now. Still just that night. So going further back you know

19

20 Q: it's not important what you had for dinner I was just trying to put in context, were

21 you hanging out with these three people you named prior to the shooting

22

23 A: yeah prior to the shooting, yeah, yeah, we were hanging out together >>> before

24 that happened. We were coming from 118 avenue going back towards my house

25 you know that's the liquor store on 118 avenue going towards the you know going

26 back home. So it's my house, that's why my destination was to go back home

27 cause I was going to my girl house. So you know we walking, laughing, it was a

28 good day, laughing, and all of a sudden the guy came out and you know GOD

29 bless the day but >>> put out the gun and we were like yo, what your doing. And

30 then we didn't know we didn't expect it, it was like boom >>> OH and >>>I had

31 an old wheelchair so I couldn't like roll fast he ran and I was like push me home

32 man, push me home so ? Hopkins helped me go home. Because the wheelchair I

33 had was not, was an old wheelchair. So then after that I washed my hands with

34 everybody. Like yo, I'm not dealing with ya, >>> he should've not did that you

1 know what I mean, he should've of not done that. And I never talked about it, I
2 don't want to talk about it and you never hear me say anything about it, and till
3 this very day right now I still would have not talked about it if >>> Taylor would
4 have not brought it up.

5
6 Q: do you know why Bob killed >>>

7
8 A: I'm not, I'm not no, no, for no reason honestly

9
10 Q: was there any words

11
12 A: basically he shot him for no reason. It was cause you know, we was out that night,
13 that day rather you know come home, I'm going home, you go home, everybody
14 just >>> and out of the blue he just went up to that guy and just boom. We were
15 like oh, shit. And then I'm like yo I'm going home man and then after that I'm like
16 yo I'm going to Brooklyn, I'm going to chill. I'm not talking about none of this.
17 You I spoke them after that, I was like you that was wrong. I said how you going
18 to do that, you know I'm in a wheelchair and you know they got saved, the first
19 thing I say, they got Darren in a wheelchair >>> they going to save me. >>> yo
20 I'm sorry, I didn't mean to do that, >>> so I just stayed in Brooklyn and I'm like
21 man he's my friend, I'm not never going to say anything but I told him but I told
22 him that's it I'm going >>> if anything happens and they come to me and say yo
23 Darren Lee were you, I want a separate charge because that was wrong you know
24 what I mean so. After that weeks came to months, months turned to years and I
25 never heard anything nothing for a minute. And I never use to talk about it, until
26 now >>> and I still don't like talking about it, right now till this day I don't like
27 talking about it.

28
29 Q: did you know the person who was shot?

30
31 A: I don't know the person who was shot

32
33 Q: even if you didn't know him personally

1 A: I never seen him ever
2
3 Q: did you recognize him
4
5 A: no, I never seen him. I was just like I said a situation coming down a >>> the guy
6 coming this way, we coming this way and >>> right up to the guy
7
8 Q: do you remember what the person looked like, the person
9
10 A: no, >>> I don't
11
12 Q: well just basic description was he black, white
13
14 A: he was a black guy, a black guy
15
16 Q: do you remember how tall or short he was?
17
18 A: honestly I don't, honestly I don't, cause after that, that night I said we was like Oh
19 Shit! >>> I know I'm in a wheelchair that changed my life too, but after that I was
20 like yo that was wrong he should've not did that right their, he should have not
21 done that. So I'm like you know I put it like I was deaf and I just put it in the
22 back of my mind. I don't hear nothing about it, I never talked about it, you never
23 going to hear my say anything about it, and I just
24
25 Q: now is it correct that you were in the wheelchair on that day March of 1994
26 because 5 months earlier on October 1, of 1993 you yourself was shot in the back
27
28 A: mmh
29
30 Q: and from that day until today you've been confined to a chair, is that correct
31
32 A: Mmh, that's correct
33
34 Q: the night of the shooting that you described having been done by Garfield Brown.

1 Had the group of you been drinking or
2
3 A: earlier that day we were drinking, earlier that day
4
5 Q: smoking marijuana
6
7 A: I don't, I don't know, no we did drink you know what I mean, but no, no, no
8 marijuana. Unless they were smoking marijuana, I don't drink cause like I said I
9 was you know at home cause I really was not getting out that much cause I was
10 doing basically therapy. So when they do come here, I'm like yo ok lets go up this
11 way >> I'm coming back home you know what I mean so I didn't stay out that
12 long. So we had something to drink that day and then we just >>> and I said ok
13 now I'm going home, I want to be around my house you know what I mean. So
14 we were coming down the block that day and
15
16 Q: >>> you weren't drunk right
17
18 A: no I wasn't drunk
19
20 Q: were the other three intoxicated?
21
22 A: I don't know if they were intoxicated. But I wasn't drunk because I was on point
23 with everything >>> next thing you know I want to go home cause you know I'm
24 not responsible lets go home, lets do this. But when he did that right there it
25 seems like he just blanked out and just did it for no reason. I don't know why he
26 did that honestly
27
28 Q: how long have you known Garfield Brown up to that time?
29
30 A: I've known him for a long time, I've known him since I was little. I know him
31 since >>> before >>> when I first moved around there
32
33 Q: how old >>> estimated this, how old do you remember you being when you first
34 met him or when you were a kid

1 A: 10
2
3 Q: 10 years old
4
5 A: yeah 10 or 11
6
7 Q: and how old was Garfield Brown in relation to you, was he older or younger?
8
9 A: I think he was the same, a little older, a little older than me. I think 34 to 35
10 something like that
11
12 Q: Now after you were shot, were you on any pain medication
13
14 A: mmh
15
16 Q: did any, did any of that medication affect your, your faculties at all
17
18 A: what do you mean
19
20 Q: By that I mean your ability to see clearly or hear clearly or remember. Did it affect
21 you in anyway
22
23 A: I don't think so, I don't think so
24
25 Q: are you on any medication now
26
27 A: no I try not to take that to much now, but I'm always in pain but you know
28
29 Q: you try to manage that
30
31 A: yeah
32
33 Q: ok, now said after the shooting Dean, did you say Hopkins
34

1 A: mmh
2
3 Q: took you home, he pushed you home
4
5 A: yeah, he pushed me home
6
7 Q: pushed you home and he left you off at home
8
9 A: he left me off at home. After that I said yo, listen I had nothing to do with that. I
10 said >>> cause when he did that >>> yo how can he do that like that. I'm like yo
11 I'm leaving, yo listen I going to my girl house in Brooklyn and you know and after
12 that just stayed in Brooklyn. I stayed in Brooklyn you know I come home, >>>
13 and I told them when I spoke to them after that I think like maybe 2 or 3 weeks or
14 4 after that. I told them yo if that come up man I want separate trials man. >>> yo
15 I don't know what happened that night. I want separate charges. I'm not >>> the
16 most fucking >>> they going to say that I did it now they going to bring me there
17 and they going to say yo "Darren your going to have to say this and that, and this
18 and that"
19
20 Q: why would anybody say you
21
22 A: cause I'm the only one in a wheelchair. If someone says >>> they going to see the
23 black guys and they going to a guy in a wheelchair. They most >>> the guy in the
24 wheelchair. So they going to say ok lets try the guy in the wheelchair. It's going
25 to be the guy in the wheelchair like what's happening now. Let's get the guy in
26 the wheelchair and find out what happened. And I don't like to
27
28 Q: can you just try to speak a little bit more slowly
29
30 A: yeah ok. But yeah, that's what they are going to look at, the guy in the
31 wheelchair.
32
33 Q: did the police ever question you after this happened.
34

1 A: no.
2
3 Q: so is today the first time
4
5 A: yes
6
7 Q: Face to face
8
9 A: yes
10
11 Q: you've ever talked to someone from law enforcement about this
12
13 A: yes
14
15 Q: Now when I spoke to you on the phone a few weeks ago, do you remember that in
16 that in conversation I mentioned to you that a year and a half ago when this first
17 was coming up after Mark Taylor was arrested in Florida on a warrant. Your
18 aware of that?
19
20 A: mmh
21
22 Q: and he, Mark Taylor gave a certain information. I was, I, I went to your families
23 house on Farmers boulevard. Det. Deluce did, that's how we met your sisters and
24 spoke to your mom, and I received a telephone call from someone who told me he
25 was Darren Lee.
26
27 A: mmh
28
29 Q: was that you?
30
31 A: mmh
32
33 Q: so you did call me
34

1 A: mmh

2

3 Q: Because when we spoke on the phone a couple a weeks ago you said

4

5 A: I know, I Know

6

7 Q: that we didn't speak

8

9 A: don't you know how much this bothers me. So yeah I did call you that time. I did,

10 cause I didn't know, we talking about it now its coming out. We talk about it all

11 the time. My family talks about it, friends talk about it, and you know like I said

12 right now, the only reason why we talking about it right now is because Garfield is

13 dead right now. So they here saying ok, and I said the same thing, I'm like you

14 know this guy he is you know, he is in jail for this that he did not do. You know

15 Garfield is gone. >>> till this day I don't even like talking about it right now. I

16 could've >>> I just don't like talking about it because it was a messed up situation.

17 And now I'm in the mix of it, like ok you was there and I just don't like, it was, it

18 was bad that night. That night should not, he should've of not done that, he

19 should've not done that. And you know I don't like talking about it. I don't like

20 talking about it but I know >>> I had to talk about. And right now this is the first

21 time this ever comes out of me in 10 years.

22

23 Q: when for the first time in the recent past did you find out from anyone that there

24 was something going on in court that related to this

25

26 A: when Mark Taylor got arrested

27

28 Q: ok. and how did you learn about that

29

30 A: People in the street talk, people in the street talk then they >>> you know Mark

31 Taylor is telling on Garfield because he's dead he's trying to get out of jail now

32 and you know I'm like for real. I say, and he said he included your name, and I'm

33 like oh boy. I mean so now you know >>> he got locked up and people are

34 talking in the street and I knew they had a paper and an article about me, and I'm

1 like oh my god. Now this guy is telling this and that and that. I'm like it's time to
2 >>> now so you know
3
4 Q: did you speak directly to Mark Taylor around the spring or summer of 2002. Its
5 almost 2 years now. Do you remember, did he call you?
6
7 A: in 2002
8
9 Q: yeah
10
11 A: before he went to jail
12
13 Q: well yeah he had a case pending and he was out on a warrant, did he call you?
14
15 A: I think we spoke, but he was, he was in Florida
16
17 Q: yes
18
19 A: yeah we use to speak in Florida
20
21 Q: ok
22
23 A: yeah we use to speak in Florida mmh
24
25 Q: and your aware that he had an open case in Queens and a warrant
26
27 A: mmh, yeah
28
29 Q: now when he was picked up in Florida and brought back to New York that's the
30 time frame when Mark Taylor started to give information about this shooting
31 Friday, March or 1994
32
33 A: right
34

1 Q: now do you remember around that time when Mark Taylor first came forward with
2 this information he called you on the phone. Did that happen, do you remember
3 that happening
4
5 A: when he was in jail
6
7 Q: yes, I'm not sure if he was in jail or out of jail but, was there a discussion in which
8 he asked you in substance when did that shooting happen
9
10 A: I don't remember the conversation like that, I don't remember, I don't remember
11 the conversation. I just know when he called me, our conversations stopped after
12 Garfield was killed and then he started talking >>> I haven't spoken to him after
13 that
14
15 Q: ok, Garfield Brown, I believe was killed on May 9 of 2002. Is that right
16
17 A: yeah
18
19 Q: did you speak to Mark Taylor before Garfield was killed or after
20
21 A: before yeah, I spoke to him before that
22
23 Q: ok, did you ever speak to him after Garfield was killed
24
25 A: no, I don't remember speaking to him after that because the situation. Cause I
26 like, I like how can you like do that I mean now. You know >>> he got his little
27 case now, he got 2 years to 3 years. He's going to call the cops and try to get out
28 of jail and do that you know.
29
30 Q: where were you living in May of 2002, here?
31
32 A: yeah
33
34 Q: ok, you obviously have a phone cause it just rang. Is the phone number you have

1 now the same number you had >>>
2
3 A: no
4
5 Q: do you remember your phone number from May of 2002
6
7 A: >>> I don't remember, I don't remember that, I don't remember that [REDACTED]
8 think. I don't know no that's not it that's my first. I don't remember it
9
10 Q: ok. Did you have a cell phone back in May of 2002
11
12 A: probably did yeah
13
14 Q: do you remember that number
15
16 A: [REDACTED] something like that
17
18 Q: [REDACTED], area code
19
20 A: [REDACTED]
21
22 Q: [REDACTED] ok. And do you have that cell phone number now
23
24 A: mm- mm
25
26 Q: what's your cell phone number now
27
28 A: don't have one
29
30 Q: ok. Is this number you just gave me the last cell phone number that you had
31
32 A: mmh
33
34 Q: ok. When was the last time you spoke to Dean Hopkins

1 A: before he went to court
2
3 Q: >>> you mean testifying in
4
5 A: Mmh
6
7 Q: this matter here
8
9 A: mmh
10
11 Q: did he call you
12
13 A: no, I mean I called, I called the home. I think I called Mike ? And you know they
14 >>> So they basically were like yo Darren won't you just tell the truth man, what
15 happen you know he can't do nothing to you, just tell the truth cause home boy is
16 in jail right now, Garfield is dead. And like I said everybody is like trying to say
17 >>> Darren go ahead and tell the truth >>> and nothing can happen to you. But
18 I'm like I don't know >>> by trying to put me in this and say I did it >>> to lock
19 me up. So I'm like, I'm not trying to be involved with that. Cause you know what
20 I mean and then another thing I didn't want to, don't know talk about it you know
21 what I mean. So everybody my mom, my brothers, >>> just tell you know
22 Garfield he's, he's gone you know he did it, you know he did it. You know what I
23 mean you can see >>> look what he done before you know what I mean, you
24 know he did it, >>> guy get out of jail get out of jail.
25
26 Q: ok when you referred a moment ago to home boy being in jail, that's a reference to
27 the person who is arrested and convicted
28
29 A: yeah
30
31 Q: and do you know the name of that person
32
33 A: I forgot. I just know his nick name "mooky". I don't know his first or last name.
34

1 Q: Did you, have you ever met "Mooky"

2

3 A: when I was younger. You know >>> seen face to face but never hanging out or

4 >>> you know

5

6 Q: how did you know his nick name is "Mooky"?

7

8 A: the streets talk. People you know

9

10 Q: when did you find out that "Mooky" had been arrested for the shooting that you

11 just described that Garfield committed. When did you, you learned about that

12 right?

13

14 A: >>> I learned about it >>> he use to play basketball, he use to >>> park but that's

15 when everything starts coming to >>> when >>> everything starts coming to >>>

16 again. When >>> starts naming names and I spoke to Mike >>> He said yeah you

17 know "Mooky". I don't "Mooky" "Mooky" use to be by >>> park. He said he

18 use to play basketball and you use to see him.

19

20 Q: Hang on for one second. Can you, I know you speaking very quickly but you can

21 hear them but >>>

22

23 A: >>>

24

25 Q: Ok. Do you need a chair

26

27 A: no

28

29 Q: you just referred to "Bear" that's a nick name for Mark Taylor, right

30

31 A: yeah

32

33 Q: and how long have you known Mark Taylor.

34

1 A: I know Mark Taylor for, pretty much just as long as I know Garfield. I say like 15
2
3 Q: is it fair to say that you, Mark Taylor, Garfield and Dean were all close friends?
4
5 A: yeah
6
7 Q: and you knew each from all growing up
8
9 A: mmh
10
11 Q: what about, Mooky was not in this
12
13 A: no I never, yeah right
14
15 Q: what about the person you just referred to Mikie, Mike
16
17 A: Mike Saks
18
19 Q: is it Saks or Stacks
20
21 A: Stacks, Mike Stacks
22
23 Q: ok
24
25 A: I know him for, for since I was like 17 years old as well. So he's in the
26 neighborhood so I know him in the neighborhood
27
28 Q: and how do you characterize your relationship to Mike Stacks
29
30 A: he's alright, he's just a
31
32 Q: he's a good friend
33
34 A: yeah he's alright. So, but you never know, you never know these niggaz

1 Q: Ok but, but as of 1994 lets say he was a good friend
2
3 A: yeah
4
5 Q: ok. Now do you recognize this person
6
7 A: mmh
8
9 Q: ok who's that
10
11 A: That's Mark Taylor
12
13 Q: that's the person you referred to as Bear right
14
15 A: yeah right
16
17 Q: how about this person
18
19 A: mmh, Dean Hopkins
20
21 Q: you know this person
22
23 A: nah, no I don't know him. Is that the other guy that got killed that night?
24
25 Q: yes
26
27 A: I didn't know him, no
28
29 Q: he doesn't look familiar
30
31 A: mm mm
32
33 Q: how about this person?
34

1 A: ok yeah, oh ok that's Mooky yeah I know him by face
2
3 Q: how do you recognize his face
4
5 A: that's him right, yeah I know him by face, I know him by face
6
7 Q: ok. Now
8
9 A: how old is that picture though
10
11 Q: that picture was taken in 1994. That's his arrest photograph from this case
12
13 A: ok
14
15 Q: so that's how he looked 10 years ago
16
17 A: yeah I remem... right
18
19 Q: going back to the night of the shooting you said Garfield just walked up to the
20 guy. How was the and his name is Darrel Adams so we'll call him by name now.
21 How was Mr. Adams or where was Mr. Adams when he was shot in relation to
22 Garfield.
23
24 A: where was he shot, what do you mean
25
26 Q: well first do you know where on his body he was shot
27
28 A: no were he was shot at
29
30 Q: I mean where, you said Garfield shot him
31
32 A: mmh
33
34 Q: where on Darrel's

1 A: towards the head >>>
2
3 Q: ok how close was Garfield to Darrel
4
5 A: he was close to him. He was close to him cause he was like, >>> we see him like
6 going to his face. You know what I mean up in his face and he was like you know
7 pulled out. He was like yo we didn't do anything and then bam. So probably like
8 as close as me, I mean as close as me and you.
9
10 Q: were they both standing
11
12 A: yeah, oh yeah they both was standing up
13
14 Q: Darrel Adams wasn't on his knee or Knee's
15
16 A: no, I didn't see him, he was on the street when he got shot
17
18 Q: now moments before Darrel Adams was shot did anyone in this group of four; you,
19 Mark Taylor, Dean, Garfield have any conversation or encounter anybody else on
20 that street, that area Quincer and Mexico.
21
22 A: >>> They say that in the paper, they say that in that paper but I don't know where
23 that paper, but I don't remember >>> anybody else cause I was you know, I was
24 focusing on rolling because I like sitting on my wheelchair and that >>> so I'm
25 focused on rolling. So I don't remember coming across anybody else they say on
26 that paper that they brought more guns out and all that stuff and I'm like that's a
27 lie. Who's saying this, there's more guns involved nobody had no gun. The only,
28 Garfield had a gun so I'm just focused on rolling. And when I get you my
29 wheelchair its right because the wheels broke. So I didn't see come across any
30 other, any other person
31
32 Q: ok at the trial of Mooky.
33
34 A: mmh

1 Q: there was a person who testified that short, moments before Darrel Adams was
2 shot
3
4 A: mmh
5
6 Q: he saw the four of you, you in the wheelchair and three people walking with you
7
8 A: mmh
9
10 Q: when >>> at the intersection you and one of the others remained and two of your
11 group approached him. So if it would of been, I think you said Dean was pushing
12 you at sometimes right
13
14 A: mmh
15
16 Q: so if you and Dean stayed back the 2 others approached him
17
18 A: mmh
19
20 Q: do you remember that happening
21
22 A: approached who?
23
24 Q: somebody else not Darrel Adams
25
26 A: no, I don't remember that
27
28 Q: and this person and it's a matter of public record his name is Kevin Bo>>>
29
30 A: ok
31
32 Q: he said, at the trial
33
34 A: mmh

1 Q: two people approached him one put a gun to his head
2
3 A: Mmh
4
5 Q: and the other one kind of stayed back holding the gun like looking at the situation
6 >>> serving the situation
7
8 A: mmh
9
10 Q: do you remember that happening
11
12 A: No I do not remember that happening
13
14 Q: ok, is it your statement that it didn't happen
15
16 A: that's my statement that it didn't happen. I did not see that in my own eyes I did
17 not see that happen. That's my statement.
18
19 Q: Mr. >>> Danny testified that the person that put the gun to his head back away
20 from him when one of the two fellows who remained back, which would be you in
21 the wheelchair and whoever was with you when one of the two of you shouted out
22 something to the effect leave him alone or not him. Do you remember that.
23
24 A: no I do not remember that
25
26 Q: did that happen
27
28 A: that did not, I don't remember, no it did not. That did not happen.
29
30 Q: and this according to >>> statement. Whatever was said, whatever he said was
31 said
32
33 A: mmh
34

1 Q: the two people backed away and moved backed towards where you were and then
2 Darrel Adams came walking up the street. And Darrel Adams was approached by
3 the person who put the gun to his head and also you the person in the wheelchair.
4 Did that happen
5
6 A: yeah but he said that
7
8 Q: he's saying that the person in the wheelchair rolled up
9
10 A: mmh
11
12 Q: to the, to Mr. the person we know now to be Darrel Adams.
13
14 A: mmh
15
16 Q: did you do that
17
18 A: No I did not
19
20 Q: Did you move closer to,
21
22 A: well,
23
24 Q: part of whatever
25
26 A: no I did not
27
28 Q: whatever confrontation
29
30 A: no I did not, I did not. I was rolling home because he couldn't >>> because we all
31 come this way now if we are going this way he's coming this way were this, were
32 this other guy suppose to have been.
33
34 Q: um. Well Mr. Adams believed lived on Mexico. So he would of been walking up

1 Mexico I believe.

2

3 A: so he's walking up >>> we were walking up towards Mexico he was approached
4 by two other guys. I'm and me and this other person go up to this guy right here I
5 scream out or somebody scream out "No not him" uh come on. So then the guy
6 that I'm with take the gun to him and shot that guy right there. Shoot him
7

8 Q: well in substance that the attention was which was focused on Kevin >>>
9

10 A: mmh
11

12 Q: who had a gun to his head
13

14 A: mmh
15

16 Q: he said the people didn't rob him
17

18 A: mmh
19

20 Q: they just back away after somebody shouted out something, either you or the
21 person with you. And then as Darrel Adams happen to be walking up the street
22 you rolled closer to him. The person in the wheelchair rolled closer
23

24 A: mmh
25

26 Q: and the person who had the gun to Kevin's head
27

28 A: who's Kevin?
29

30 Q: Kevin is the guy
31

32 A: the first one
33

34 Q: who was approached first

1 A: ok, ok
2
3 Q: ok. Kevin said
4
5 A: mmh
6
7 Q: that the person who held the gun to his head
8
9 A: right
10
11 Q: then went over to Darrel Adams
12
13 A: mmh
14
15 Q: and Darrel Adams got on his knee's at that point. Did Garfield order Darrel
16 Adams to get down on his knee's.
17
18 A: I don't know. I don't think he ordered anything. He shot at Darrel right there
19 man. He did not tell him get on you knees, rob him, he just went up to that guy
20 and he shot that guy.
21
22 Q: you didn't here Garfield Brown say anything at that point
23
24 A: no I did not, if I did I can't remember. I just know that it wasn't what he said it
25 was what the action were that night. So that action was at that night was he shot
26 that man and he should of not shot that man. You know it was not like um, we
27 out there gonna go rob. Cause that's how they, that's how they >>> they act as if
28 you were going to go rob somebody and all of a sudden were here >>> catch
29 somebody and shoot a person. I'm in a wheelchair I just got in a wheelchair four
30 months ago why I'm I gonna go ahead and try to kill somebody in a wheelchair.
31 I'm trying to focus on my therapy so I'm like that did not happen. That's why I
32 never wanted to talk about it. Cause I knew this was going to happen because
33 they going to try to say that person had something to do with it. And they going
34 to screw up something. Honestly, Gods truth we just coming home. We was

1 coming home. We were just having a good time that night turned tragic when
2 Garfield went to that man and shot that man in the head.

3
4 Q: well the answer or the >>> to offer an answer to one of the questions you just
5 raised in your prior statement, why would you who just 5 months previously was
6 shot in the back

7
8 A: mmh

9
10 Q: and was permanently paralyzed. Why would you be out there with these guys
11 doing a robbery

12
13 A: mmh

14
15 Q: but its been raised as a possibility that the person who we know now to be Darrel
16 Adams you might of had a beef with perhaps over the shooting.

17
18 A: who Darrel that's the guy who's locked up right now

19
20 Q: no, no Darrel Adam's is the guy who got killed

21
22 A: I don't even know that guy. I swear to tell the truth, the whole truth, and to help
23 me GOD. I do not know that guy. What happened that night Garfield went to
24 him and shot that man.

25
26 Q: Kevin >>> the person who was approached first

27
28 A: mmh

29
30 Q: according to a statement said, after the person with the gun back away and the
31 other person with the gun backed away and Darrel Adams was approached

32
33 A: mmh

1 Q: and the person in the wheelchair

2

3 A: mmh

4

5 Q: Approached according to a statement. And Darrel Adams went down to his knees

6 according to Kevin >>>

7

8 A: mmh

9

10 Q: the person in the wheelchair then smacked Darrel Adams in the face with a bottle.

11 Did you do that

12

13 A: (Phone ringing) >>> this is crazy. (Talking on phone) Hello,

14

15 Q: Hi, Jason ok um. Were in the middle of the interview with Mr. Lee and we just

16 gotten to the point actually where I was summarizing Kevin >>> statement and in

17 substance Mr. Lee had said, it did not happen. He did not hit the person with a

18 bottle and correct me if I'm wrong Mr. Lee you also said that, no one approached

19 Kevin >>> or anybody else right before the shooting. Their wasn't an attempt to

20 put a gun to the head of someone else. Is that right

21

22 A: mmh. I don't know that guy Mr. >>>. Who's that, that's the first guy your saying

23 now.

24

25 Q: Jason can you hear Mr. Lee. No >>> Jason apparently when I put the cell phone

26 on the table it interferes with our video um. So why don't I continue with the

27 interview then I'll call you and summarize it and if you have any questions we'll

28 add those questions, ok. Yes Mr. Lee says he was there. Garfield Brown did the

29 shooting, just went up to the fellow who we now know to be Darrel Adams and

30 shot him for no apparent reason. Alright, and Mr. Lee says he recognizes the face

31 of your client in a photograph as someone he may have seen, saw when he was

32 younger and he knew his nick name to be "Mooky". Right

33

34 A: mmh

1 Q: and Mr. Lee says he doesn't know Darrel Adams. I showed him a photo of Darrel
2 Adams, ok. Ok bye, bye.
3 So your saying Mr. Lee that you've read in recent newspaper articles this claim
4 that the person in the wheelchair smacks Darrel Adams in the face before he got
5 shot.
6
7 A: mmh
8
9 Q: and your statement is that never happened.
10
11 A: that never happened
12
13 Q: and no one had a gun other than Garfield Brown
14
15 A: nobody had a gun other than Garfield Brown.
16
17 Q: ok and did you see moments before Garfield shot this fellow Darrel Adams,
18 moments before that happened did you see Garfield Brown put a gun to the head
19 of anybody else
20
21 A: no
22
23 Q: so that didn't happen
24
25 A: no that did not happen.
26
27 Q: who shot you?
28
29 A: I don't know? You got to tell me
30
31 Q: well weren't you having an argument with someone outside the liquor store
32
33 A: yeah mmh
34

1 Q: on October 1, 1993
2
3 A: mmh,
4
5 Q: who was that person
6
7 A: I don't know that person
8
9 Q: you have never seen him before
10
11 A: I have never seen him before, no I never seen him before. I was talking to a girl
12 and he just came up and you know, just jumped in front of me. I'm with a girl and
13 it turns out to be his girlfriend. So you know what I'm saying we >>> some
14 words. >>> we was about to fight and he pulled out a gun, I said ok I turned
15 around and he shot me in the back. I don't know him that was my first time ever
16 you know. I still to this day can not even see, remember his face
17
18 Q: who is the girl?
19
20 A: he name is Aiyala
21
22 Q: what's her last name?
23
24 A: I don't know her last name
25
26 Q: how did you know Aiyala?
27
28 A: just being outside, being outside you know you meet people
29
30 Q: did you tell the police that the person who shot you was Aiyala's boyfriend?
31
32 A: yeah, no did I speak to them. They came to the hospital >>> one time. And I was
33 frustrated about being shot and then after that I haven't even seen them. They
34 never came to try to do investigations, or try to talk to me about anything.

1 Q: They never questioned you after the one time in the hospital.
2
3 A: >>> They never came back to me to talk about anything.
4
5 Q: Do you remember what time you were shot that day October 1st approximately?
6 In the morning in the afternoon.
7
8 A: >>>
9
10 Q: are you aware that other people were shot in Queens that evening?
11
12 A: yeah >>> the guys from around the block over there.
13
14 Q: >>>
15
16 A: "Mooky" and his friends over there. Things like that we can never forget.
17
18 Q: Ok, when did you become aware that "Mooky" and his friends were shot that night
19 also.
20
21 A: that same night
22
23 Q: in the hospital
24
25 A: that same night
26
27 Q: because they were all in the same hospital
28
29 A: that same night
30
31 Q: right
32
33 A: mmh
34

1 Q: was their any relationship between your getting shot and Mooky getting shot that
2 night
3
4 A: not at all sir
5
6 Q: that's just a coincidence
7
8 A: that's a coincidence yeah
9
10 Q: did you know Mooky's friends who were shot that night
11
12 A: I don't remember them. I probably know them if you had pictures, I probably
13 know them put by faces but as for like hanging out you know you know somebody
14 you hang out with them you know them but I don't remember them. They
15 probably >>> by nick names but >>>
16
17 Q: Tony Spires
18
19 A: I would have to see there pictures
20
21 Q: Wagner Rodriguez
22
23 A: I would have to see there pictures
24
25 Q: do you know why they were shot that night?
26
27 A: they said, nah, they said some guys from Brooklyn came through and started
28 shooting at them. I don't know they went and at first I was like, what they said I
29 forgot. It was rumors that day that some guys from Brooklyn just came by and
30 >>> they got some beef with somebody and they just came shooting. I don't
31 know. You its he said she said, I don't know, I don't know. Honestly I don't
32 want to explain it I don't know what happened. I just know that they, they
33
34 Q: do you have any reason to believe that the people who shot Mooky whos real

1 name is Samuel Rodgers
2
3 A: mmh
4
5 Q: and his friends are the same people who shot your that night.
6
7 A: I don't know
8
9 Q: did you ever discuss that with anyone
10
11 A: no
12
13 Q: that never came up
14
15 A: never came up. Is it?
16
17 Q: I don't know I'm asking you.
18
19 A: no, no
20
21 Q: did you ever discuss that with Michael Sackston
22
23 A: mm mm
24
25 Q: Mark Taylor
26
27 A: mm mm
28
29 Q: you just accepted it at the time that it was a coincidence?
30
31 A: yeah, because the people your dealing with at that time >>> people getting killed
32 left and right. People getting wounded. I mean I just took as I was talking to a
33 girl a guy came up and he had a gun with him. I didn't know, you know and then
34 we start getting into a fight he pulled out and then shot me. I been, I been thinking

1 about it because you the day I got shot over there >>> I didn't think about that.
2
3 Q: did you have a gun or carried a gun from time to time back in 1993?
4
5 A: yeah I carried a gun before
6
7 Q: did you, how about Mark Taylor did he from time to time carry a gun?
8
9 A: I don't know, I mean I can't, I don't know, I don't know
10
11 Q: Dean, did Dean Hopkins
12
13 A: I don't know
14
15 Q: you don't want to say
16
17 A: I don't know. I know I can justify myself. I just said yeah I carried a gun before
18 yeah. I did carry a gun before. And honest to GOD if I had one with me or not I
19 would >>> shot that guy that shot me
20
21 Q: have you ever heard of the name Chanel Golden?
22
23 A: no
24
25 Q: Nigel Bernard
26
27 A: no, who's that
28
29 Q: those are two people who were arrested and convicted for shooting Mooky and
30 killing his two friends
31
32 A: no, I don't mm mm. Are they from Brooklyn?
33
34 Q: I believe one of them shows a Brooklyn address. Do you know a Terrence

1 Jackson?
2
3 A: yeah, that was one of my best friends
4
5 Q: was he with you the night that Garfield shot >>>
6
7 A: no, mm mm
8
9 Q: he was definitely not there
10
11 A: no he wasn't there. Because if he was there Mark Taylor would've put his name in
12 it. And GOD Bless him because he has passed away too.
13
14 Q: He was shot and killed also?
15
16 A: Mmh
17
18 Q: well actually in Mark Taylor's first statement to me he did say that Terrance
19 Jackson was there
20
21 A: oh GOD
22
23 Q: was he there or was he wasn't he
24
25 A: no Terrance Jackson was not there. What else did Mark Taylor say, what else
26 does he say
27
28 Q: Mark Taylor told me that the person who shot you was killed by a relative of
29 yours.
30
31 A: hhha
32
33 Q: did that happen
34

1 A: I don't know if the guy is still alive. I don't know if the guy is still living or not.
2
3 Q: did you tell any relatives of yours who shot you
4
5 A: I don't even know the guy. And if Mark knows all of this who is, so who is the
6 guy that shot me.
7
8 Q: he didn't tell me
9
10 A: put if he's deceased >>> the cops are gonna try to find out who this person the
11 guy killed
12
13 Q: all he told me was that the person who shot was himself killed by a relative from
14 yours. That's what he told me. Now, where would he hear that if not from you
15
16 A: I don't know what's wrong with that guy man. I don't know what's wrong with
17 him.
18
19 Q: is there something wrong with him?
20
21 A: yes, something is definitely wrong with him if he's bringing out that. I don't know
22 the guy who shot me. And if my brothers then did it I'm glad he did it. I don't
23 even know the guy you know. I wish I could see his pictures right now. And
24 that's the truth the guy that shot me it be if he was alive right now, I'll be telling
25 >>> look what you did to me >>> I'm struggling and striving in a wheelchair
26 trying to make things >>> yeah you know he did something he took a part of me.
27 Yeah I'm not going to call the cops and what yeah I'll get somebody to try to hurt
28 him.
29

30 Side B of tape
31

32 Q: Do you remember when, let me start again did you speak to Mike Sackston, Mike
33 Sacks
34

1 A: I haven't spoken to him in a while. I haven't spoken to him 6 or 7 months from
2 now
3
4 Q: back when Mark Taylor was arrested which was Spring of 2002 and this
5 information started to come out
6
7 A: mmh
8
9 Q: is fair to say that you were in touch with Mike Sackston back then
10
11 A: mmh
12
13 Q: and is it fair to say he was telling you that something was going on in the case
14
15 A: mmh, but not just him, you know not just him. I have a lot of people that Bear
16 talked to as well. And they like you know, you know Bear this is coming out
17 about what happened with Garfield. I'm like yeah ok and then you know I talk to
18 a lot of people around that area, so
19
20 Q: who, who did you talk to
21
22 A: you know Rodney, Rodney >>> name Rodney
23
24 Q: what's Rodney's last name
25
26 A: I don't know his last name.
27
28 Q: where does he live
29
30 A: on Dunker, Dunker
31
32 Q: you know the number
33
34 A: I don't know it

1 Q: you know how old he is
2
3 A: Rodney
4
5 Q: yes
6
7 A: 34 he's , I talk to my moms >>> you know the stuff was just right there. You
8 know everybody talk >>> the people talk around that area. Once it gets to the
9 paper they going to talk about it, they going to talk about it. So the question you
10 just asked me what about sacks. When was the last time I spoke to him? 7
11 months ago
12
13 Q: ok. Back in the Spring, of Summer in 2002
14
15 A: mmh
16
17 Q: was he asking you to come forward
18
19 A: yeah he was asking me you know why don't you know, tell them, tell them what
20 happen man. You know he said Garfield's dead now you know what I mean. You
21 know Garfield is dead and Mooky he didn't do it you know what I mean. It just
22 seemed like I was the key to everything like ok you know cause I'm not going to
23 be saying nothing of what happen that day cause I don't like talking about it. So I
24 like this guy my mom is like yo Darren you know just you know. I didn't do it you
25 know what I mean I know what happened that night. And there nobody that can
26 tell nothing that guy right there they saying that, that paper, What happened that
27 night Garfield definitely went up to that guy and shot him. And I don't like talking
28 about it. Garfield was a good friend to me, and he definitely went to that guy and
29 he shot him. I would never ever want to talk about it. So when all that other stuff
30 >>> paper I was like oh my GOD. That's why I thought you know, I don't know
31 man, I don't know. I'm finally glad that it's getting out though. You know I glad
32 it's coming out. He was in prison for something he didn't do so.
33
34 A: it's a terrible thing if someone was arrested, convicted and spent 10 years in jail for

1 something he didn't do. You would agree with that.
2
3 A: yeah I agree with that
4
5 Q: now the problem is that in order to figure out what happened 10 years ago we
6 need the people who have knowledge of the incident to tell the whole story so the
7 court and we can be confident that the full truth is coming out
8
9 A: mmh
10
11 Q: now I'm going to give you another chance
12
13 A: mmh
14
15 Q: I told you what this person Kevin >>> told the police and then testified that
16
17 A: mmh
18
19 Q: a gun was placed to his head he saw other guns in the hands of the others and he
20 saw the person in the wheelchair
21
22 A: mmh
23
24 Q: you
25
26 A: ok
27
28 Q: smack the victim in the face with a bottle and I would tell you
29
30 A: mmh
31
32 Q: that after Mr. Adams suffered that gunshot wound to the head and the police and
33 the ambulance came there was broken glass all around him
34

1 A: ok
2
3 Q: so where did that broken glass come from
4
5 A: I don't know. It didn't come from me
6
7 Q: did anybody, did you see anybody break a bottle across Darrel Adams face
8
9 A: no I did not. Now this guy is saying all this, why didn't he identify the correct
10 people, if he is saying this happened that happened. If a person is that close him
11 why didn't he point the people out correctly. But the only thing he is saying
12 basically he saying is the guy on the wheelchair, the guy on the wheelchair. Why
13 didn't he point out someone that's innocent and why is he not pointing out the
14 correct people that pulled out the gun. >>> how is he telling the truth more than
15 my truth is
16
17 Q: I'm not, I'm not saying anybody is telling the truth. I'm not sitting here making a
18 judgement
19
20 A: mmh
21
22 Q: I'm trying to reconcile different accounts
23
24 A: mmh
25
26 Q: about something that happened 10 years ago. Now detective Deluca and I both
27 spoke to Kevin >>>
28
29 A: mmh
30
31 Q: and I'll tell you just the way you say this has bothered you for 10 years, we sat in
32 his livingroom and he gave us an account
33
34 A: mmh

1 Q: of what happened and he, he is physically shaking practically when he relates the
2 account to someone putting a gun to his head.
3
4 A: mmh
5
6 Q: and his life was on the line at that point. There doesn't seem to be any reason why
7 he would falsely or mistakenly describe somebody hitting somebody with a bottle
8
9 A: but he can falsely or mistakenly identify somebody as a wrong person.
10
11 Q: well it will be up to the court to decide weather that's a mistaken identification or
12 not but what I'm trying to get at is sometimes when were in this position, a witness
13 such as yourself may want to do what he believes to do the right thing and describe
14 who he says didn't do something but wants to hold back what he may think are
15 hurtful facts about himself or his friends. And that's what I'm trying to get at. Did
16 anyone else have a gun that night besides Garfield
17
18 A: no sir
19
20 Q: ok, and for the last time you did not hit Darrel Adams with a bottle
21
22 A: that correct, I did not hit him with no bottle. That's correct
23
24 Q: ok. I don't have any other questions, I'm going to ask Detective Deluca to stop
25 the tape and I'm going >>>>
26 Ok it's just about 2 p.m. were back on camera I have Jason Russo on the line.
27 He's an Attorney for Samuel >>>>. Mr. Lee the question from Mr. Russo is do you
28 remember where you were and when you first heard that the person you know is
29 Mooky was arrested for the incident that happened that night on Quincer and
30 Mexico
31
32 A: where were I when I first
33
34 Q: in other words did you learn of, did you learn. It's a matter of record that Mooky

1 Samuel >>> was arrested one week later
2
3 A: mmh
4
5 Q: it was exactly one week later March 14 of 1994. Do you remember learning of
6 about Mooky having been arrested shortly after it happened.
7
8 A: no I did not
9
10 Q: ok, do you remember when you first learned
11
12 A: when it first started coming when Mark Taylor started talking. When Mark Taylor
13 started bringing out Garfield had to do, you know he was going to start telling that
14 Garfield did it
15
16 Q: ok Jason can you hear. You hear ok so just to be clear, you Mr. Lee did not learn
17 that a person had not even been arrested for what you say Garfield Brown did.
18 And so Mark Taylor started to put forward the information in the spring of 2002
19 after he was arrested in Florida, is that correct
20
21 A: that's correct, mmh
22
23 Q: ok. You got that Jason. The question from Mr. Russo is did you Mr. Lee do
24 anything after you learned that this person who you referred to and know as
25 Mooky had been not only arrested but had been in jail >>> convicted then right
26
27 A: yeah that's just started, right, right. That's why Mike Sacks, Mike >>> yo you
28 know Mooky. I'm like Mooky, he like, he got charged for that. I'm like Mooky
29 who's Mooky. So that's why I needed a picture so I could see his face right there
30 so then Oh him you know. I said look you know, he said you know Mooky got
31 locked up for that
32
33 Q: ok we've already discussed just so you hear it Jason that, Mr. Lee tell me if this is
34 an accurate summary. That when Mark Taylor put forth this information in the

1 spring of 2002, you Mr. Lee were in touch with Michael Sackston. Who did
2 encourage you to come forward. Is that fair to say

3
4 A: he didn't encourage me he talked about it yeah, but basically yeah but he did not
5 encourage me. He was like yo this guy is in jail you know he didn't do it, Garfield
6 is dead you know why don't you just tell them what happened you know tell the
7 truth of what happened. You know cause the guy just spent 25 years of his life
8 you know.

9
10 Q: so the follow up question is, Why in the Spring of 2002 did you not come forward
11 immediately with this information?

12
13 A: I was, like I said I was never going to talk about it. I could've took it to my grave
14 with me, I was never ever, ever going to talk about it cause it's still like, that's
15 something in your mind that will always stay. So I'm like I was never going to talk
16 about it cause that night was a night that he should've not did that, that night.. And
17 I was like I'm never going to talk about that you know what I mean. Don't, don't
18 bring that up to me and like right now I had to go through all of this, I don't like
19 going through all of this junk. So that's why I never ever wanted to talk about
20 >>> and you never hear me talking about it.

21
22 Q: you heard that Jason, ok any other question. Yeah the question from Mr. Russo is
23 how frequently have you been in contact with Michael Sackston? And I believe
24 you said earlier you haven't spoken to him in about 6 or 7 months, is that right?

25
26 A: yeah mmh. You know we don't even talk about it no more, cause you know me
27 and him, when I speak to him we don't even talk about that no more, that
28 situation. You I seen him like twice, you know what you did. That's all he do but
29 if say yo I don't want to talk about it you know what I mean. But then I start
30 thinking about my moms. You know my moms like you know Garfield is dead
31 now you know we could have, you know tell the truth of what happened that
32 night.

33
34 Q: ok, you heard that Jason ok. Yeah I think we covered that yeah. What I told Mr.

1 Lee was, we brought the video camera in the hope that he, if the judge accepts it
2 and well we can discuss this later. Then we can just use the video tape but, the
3 question from Mr. Russo is, if the judge wanted to meet you in person to hear this,
4 although were going to have it on video tape

5
6 A: mmh

7
8 Q: do you have any problems coming to New York if arrangements could be made

9
10 A: I have no choice if the judge wanna hear from me

11
12 Q: alright you heard that right, ok. Do you have anything else, ok Alright Jason, yes
13 very good ok, ok Thank you, bye.

14 Ok it's now 2:04 approximately and were going to end the interview now. Thank
15 you Mr. Lee.
16
17

EXHIBIT H

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF QUEENS: CRIMINAL TERM: PART TAP C

3 -----x
4 THE PEOPLE OF THE STATE OF NEW YORK,

5 -against-

Indictment No.
1094/94

6 SAMUEL BROWNRIDGE,

Defendant.

7 -----x

8 March 15, 2004
125-01 Queens Boulevard
9 Kew Gardens, New York 11415

10 B E F O R E:

11 THE HONORABLE ROBERT J. HANOPHY,

12 A P P E A R A N C E S:

13 RICHARD A. BROWN, ESQ.,
14 District Attorney, Queens County
BY: RICHARD SCHAEFFER, ESQ.
15 Assistant District Attorney

16 JASON RUSSO, ESQ.,
17 Attorney for Defendant
EAB Plaza
18 Uniondale, New York

19
20
21
22
23
24
25 Nancy Samms,
Senior Court Reporter ns

1 THE COURT CLERK: Number two, Samuel
2 Brownridge.

3 MR. RUSSO: Jason Russo, EAB Plaza,
4 Uniondale, New York.

5 MR. SCHAEFFER: For the People, Richard
6 Schaeffer.

7 THE COURT: Who's up?

8 THE COURT CLERK: We are still on the
9 defendant's case.

10 MR. RUSSO: Judge, Mark Taylor was brought
11 back down. He is a witness previously testified before
12 the court. I have spoken to him this morning. After
13 speaking with Mr. Schaeffer this afternoon who
14 informed me that his office would be willing to forego
15 any perjury charges in light of the fact that the
16 proceedings are still going on if Mr. Taylor wanted to
17 come in and correct his testimony that he previously
18 gave in light of the fact that Mr. Taylor had spoken
19 with Mr. Schaeffer before and told Mr. Schaeffer a
20 different story and had spoken to me before as well
21 and told me a different story if he wanted to correct
22 that testimony that he gave.

23 THE COURT: He wants to correct his
24 testimony from being I was not there to I was there;
25 is that his correction, yes or no?

1 MR. RUSSO: Yes, Judge.

2 THE COURT: Okay.

3 MR. RUSSO: That's his testimony, that he
4 was in fact there, and give the details of what
5 happened when he was there.

6 THE COURT: Yes, and I told you if he says
7 that, I'm going to recommend to the district
8 attorney's office that they prosecute him for perjury.

9 MR. RUSSO: And it appears, and Mr.
10 Schaeffer can speak for himself, but he gave me the
11 authority to offer to Mr. Taylor with Mr. Worgan use
12 of immunity from the District Attorney's office in
13 light of the fact that a charge of perjury would be
14 tenuous at best based upon the -- as to the
15 affirmative defense that Mr. Taylor would have in
16 light of the fact that the bottom line is the truth.

17 THE COURT: That's right, and in between
18 somebody else testified to the fact that he was not
19 there, I believe.

20 MR. RUSSO: Mr. Hoskins testified that Mr.
21 Taylor --

22 THE COURT: So he knows that Hoskins said
23 that the defendant was not there, do you think that
24 that might affect his thinking then oh, wait a minute,
25 I just got up there and I said I was not there, well,
ns

1 now, if I say I was there, you don't think that's
2 going to effect him?

3 MR. RUSSO: We can speculate all we want.
4 The point is you have somebody coming back during the
5 same proceedings who appears to have a statutory
6 defense than a perjury charge willing to testify and
7 tell what he previously said before. As I said
8 earlier at sidebar when the district attorney's office
9 has gone this far over the last two years taking a pro
10 se 440 motion and turning it into an investigation
11 into the homicide and uncovering witnesses and
12 spending money to go to North Carolina to interview
13 witnesses, spending hours and hours on this case
14 because they believe there is something there could be
15 something wrong with this conviction.

16 THE COURT: Why don't they move to dismiss
17 the charges?

18 MR. RUSSO: Because they want to dot all the
19 I's and cross all the T's, and this is one of those
20 I's. Both of us have spoken to Mark Taylor where he
21 told us Samuel Brownridge was no there as clear as
22 day. He got on the stand and testified falsely, and
23 he gave his lawyer reasons a few moments ago why he
24 did that.

25 THE COURT: He is afraid of a dead man.

1 MR. RUSSO: No, he is afraid of a dead man's
2 friends and family still out there.

3 THE COURT: Could it be possible if he said
4 that the other fellow -- what's his name?

5 MR. SCHAEFFER: Garfield Brown.

6 THE COURT: Garfield Brown did this and in
7 fact he didn't do it, then maybe his family may have
8 some beef with him? Is that more likely? Or is it the
9 other likely, that if he says the other guy did it and
10 he is dead I have to be afraid now of this dead
11 person's family coming after him? What would be the
12 reason?

13 MR. RUSSO: Judge--

14 THE COURT: Logic?

15 MR. RUSSO: The logic is when people from
16 these community come into court --

17 THE COURT: What community?

18 MR. RUSSO: St. Albans, they come in and
19 testify in open court about a crime, they are labeled
20 as a snitch or rat no matter whether dead or alive, he
21 is serving in state prison, it doesn't matter, he is
22 coming in and testifying about a crime somebody else
23 committed, he is in jail right now in general
24 population. He has three kids still living in the
25 neighborhood as well as family in the neighborhood.

ns

1 If he has a concern whether it makes common sense or
2 not or a basis to believe it, it's not for us to
3 second guess. We are trying to get the truth.

4 THE COURT: I am telling you what I will do,
5 if he gets on the stand and says he was there, I will
6 say, fine, I will recommend that he is prosecuted for
7 perjury.

8 MR. RUSSO: If the district attorney wants
9 to confer upon him use of immunity?

10 THE COURT: I will not accept that.

11 MR. RUSSO: How can we expect him to testify
12 when you are sitting there telling Richard Brown to
13 charge him with perjury? You don't want him to
14 testify, Judge.

15 THE COURT: The thing is the court would be
16 insulted after lying to the court to get up here and
17 say something else. He was duly sworn the first time.

18 MR. RUSSO: I would think the court would be
19 insulted to learn that this court may have sentenced
20 somebody to 25 to life and you will want to find out
21 if somebody made a mistake or lied to you ten years
22 ago when they testified.

23 THE COURT: Who is it that lied ten years
24 ago?

25 MR. RUSSO: Judge, I don't know if anybody
ns

1 made a mistake or lied.

2 THE COURT: You just said lied ten years
3 ago. I think there was only one -- how many eye
4 witnesses?

5 MR. SCHAEFFER: Two, your Honor, Kevin
6 Boatwright and --

7 THE COURT: What did Kevin say?

8 MR. SCHAEFFER: Kevin Boatwright said in
9 substance based upon the transcript that I have
10 reviewed that he was -- he, Kevin Boatwright, was
11 walking down the street when he observed four males on
12 the street ahead of him. One of the males was in a
13 wheelchair and the other three were ambulatory. As he
14 approached the four men, two of the men came towards
15 him, the person in the wheelchair and the fourth
16 person remained back down the street. Mr. Boatwright
17 testified that the defendant approached him and put a
18 gun up to him while the second person who I believe to
19 be -- this is not part of his testimony because he
20 couldn't make an identification, but I have reason to
21 believe that the second person is Mark Taylor. Mr.
22 Boatwright testified that the second person had a gun
23 as well and the second person was standing back sort
24 of surveying the scene watching the back of the
25 defendant. What happened then is the person in the

ns

1 wheelchair or the person pushing the wheelchair say
2 something to the effect, leave him alone, at which
3 point the defendant retreated, the second person
4 retreated.

5 The defendant then approached a man coming
6 down the street from another direction who turns out
7 to be Darryl Adams, and according to Mr. Boatwright's
8 testimony the defendant approached Mr. Adams, the man
9 in the wheelchair rolled the wheelchair up close to
10 Mr. Adams. Mr. Adams was placed on the ground on his
11 knees. The man in the wheelchair then smacked Mr.
12 Adams across the face with a bottle, and the defendant
13 shot Mr. Adams in the head as he was on his knees.
14 That in substance is Mr. Boatwright's testimony.

15 There is a second eyewitness who testified
16 at the trial named Quinton Hagood, H-A-G-O-O-D, who
17 testified in much less detail, but identified the
18 defendant as shooting his friend -- shooting Darryl
19 Adams and running away from the scene. I would state
20 for the record that when I interviewed Mark Taylor,
21 while he did say that the defendant was not at the
22 scene and that Garfield Brown was at the scene and was
23 the shooter, Mark Taylor does not provide to me at the
24 time a description of the events that is consistent
25 with Kevin Boatwright's account, and that's one of the
ns

1 problems that I have in this case, is I don't believe
2 any of the witnesses have told the full truth about
3 what was going on here.

4 THE COURT: The gentleman in the wheelchair
5 when he was interviewed in North Carolina, that's in
6 evidence, is it not?

7 MR. SCHAEFFER: It will be.

8 THE COURT: He says he never hit anybody
9 with a bottle even though at the scene there was the
10 bottle and there was the broken glass?

11 MR. SCHAEFFER: Right, and broken glass
12 around the bottle. Interestingly in terms of
13 evaluating the credibility of Mr. Taylor, the first
14 time I interviewed him, he did not provide the
15 information regarding the bottle, and I think that's
16 important because the fact that the person in the
17 wheelchair strikes Darryl Adams with a bottle suggests
18 that this is not a robbery, this is violence motivated
19 by some past dispute of some type.

20 Mr. Darren Lee who was interviewed on the
21 tape, your Honor, referred to in fact denied not only
22 that he or anyone smacked Mr. Adams with the bottle,
23 he denied that there was any approaching of another
24 person who turns out to be Kevin Boatwright. I have
25 interviewed Kevin Boatwright, I was not at the trial,
ns

1 but I am confident that Kevin Boatwright was speaking
2 of a traumatizing incident that he actually
3 experienced. He was clearly affected recounting it to
4 me years after the incident, and the fact that Darryl
5 Adams who Mr. Lee says was shot by Garfield Brown when
6 they were standing face-to-face, Darryl Adams was six
7 foot four, one of the items I wanted to add to the
8 record is the autopsy report which indicates the
9 entrance wound to the head of Mr. Adams was at the
10 upper left back side of the head 73 inches up from his
11 heal, which would be -- 75 inches up from the heal,
12 one inch from the top of his head and the exit wound
13 is on the right side three inches lower than the
14 entrance wound and the direction of the bullet is back
15 to front and downward.

16 Now, unless the shooter was eight feet tall,
17 the account of Darryl Adams being on his knees when he
18 was shot is corroborated by the autopsy report, and it
19 seems to me from the transcripts and the evidence that
20 we have this was not a robbery situation. Kevin
21 Boatwright was not robbed. One of the two people who
22 stayed back the person standing or the one in the
23 wheelchair said leave him alone, and Kevin
24 Boatwright's original interview with the police the
25 language he recalled having heard was not him, leave
ns

1 him alone, words to that effect which indicates the
2 four people were looking for someone and the person
3 they encountered first Kevin Boatwright was not the
4 person, that's why the two men with the guns
5 retreated. When Darryl Adams unfortunately came
6 walking down the street he was approached under these
7 circumstances. I believe from this evidence that
8 Darren Lee and Mark Taylor and Dean Hoskins
9 participated in some criminal act here which they are
10 not acknowledging. They are choosing to attempt to
11 exonerate a person and lay blame on a person we know
12 to be deceased who was killed by U.S. marshals when
13 they attempted to arrest him on another homicide
14 charge.

15 THE COURT: All right. Let's go. Mr.
16 Worgan, shall we bring your client out? Do you want to
17 put him on the stand?

18 MR. WORGAN: You can put him on.

19 THE COURT: Mr. Russo, are you calling him?

20 MR. RUSSO: There is no point if you are not
21 going to accept the use of the DA's offer.

22 THE COURT: All right. Are you calling your
23 client?

24 MR. RUSSO: He already testified.

25 THE COURT: So are you resting?

1 MR. RUSSO: But for the minutes that are not
2 ready which I will submit to the court for the
3 criminal court arraignment.

4 THE COURT: When are they going to be ready?

5 MR. RUSSO: I expect it later this week.

6 THE COURT: Did you order it?

7 MR. RUSSO: Yes, the day of the last court
8 date. So the record is clear the district attorney's
9 office was willing to offer use of immunity to Mr.
10 Taylor; is that correct?

11 MR. SCHAEFFER: Yes.

12 MR. RUSSO: And the court is not willing to
13 accept that?

14 THE COURT: I'm not willing to accept it.

15 MR. RUSSO: I believe Mr. Worgan can verify
16 that is the reason why Mr. Taylor will not testify
17 now.

18 MR. WORGAN: I did not hear what you had to
19 say.

20 MR. RUSSO: Without use of immunity your
21 client is not willing to testify.

22 MR. WORGAN: That's correct.

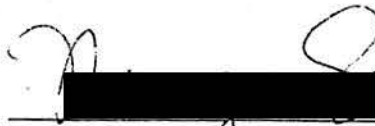

23 THE COURT: I understand. How about the
24 29th of March, you should have your papers in by then,
25 right?

1 MR. RUSSO: I should have it, Judge.

2 THE COURT: March 29. Thank you.

3 * * * * *

4 The foregoing is certified to be a true and accurate
5 transcript of the original stenographic minutes taken
6 of this proceeding.

7 
8 

9 Nancy Samms, SCR

EXHIBIT I

Today is Friday, June 27, 2003. My name is Richard Schaeffer. I'm an Assistant Attorney for Queens County. I am seated in my office at 80-02 Kew Gardens Road, Kew Gardens, New York, 8th floor. I am on my telephone, number 718-286-5869. I just received a telephone call from Mark Taylor, who has called me from the Wyoming Correctional Facility. Mr. Taylor are you on the phone?

A. Yes.

Q. And based upon a discussion Mr. Taylor and I have had, we wish to make a telephone call to an individual whose first name is Eric, whose last name, possibly, is Lanch, L-A-N-C-H, and we're going to attempt to reach Mr. Lanch at his cell phone, number [REDACTED], and I'll ask you Mr. Taylor for the benefit of the recording, you understanding that this conversation is being tape recorded, is that right?

A. Yes.

Q. And is it fair to say that you've agreed to have this conversation with Mr. Lanch and record this conversation?

A. Yes.

Q. Alright thank you. What I'm going to do now is, I'm going to keep the recorder running and I'm going to place the call to the number I described.

A. Alright.

Q. Mark?

A. Yes.

Q. Oh OK. Hang on. It didn't go through. Hang on one second, one second.

Ans. Machine: To leave a voice message press 1 or just wait for the tone. To send a numeric page.

Q. Do you want to leave a message or not?

A. No.

Ans. Machine: Press 2 now.

Q. No?

A. No.

Q. OK I'll hang up. If we get disconnected call me back.

Ans. Machine: At the tone please record.

Q. Still, it is still Friday, June 27, 2003. It's approximately 12:02 pm. This is Richard Schaeffer. The earlier call apparently reached Eric Lanch's cell phone voice mail and Mr. Taylor, are you on the line again?

A. Yes.

Q. And do you consent to have this next conversation tape recorded as well?

A. Yes.

Q. We're going to attempt to reach Eric Lanch at his home telephone number, [REDACTED]. Stand by Mr. Taylor.

A. Alright.

Q. Well Mark, it appears no one's picking up. Do you have access to the phone later?

A. ...like sometimes the cell phone it doesn't have the - you know how it lose the signal? You could try like just one more time man.

Q. Try the cell phone again?

A. Yeah.

Q. OK stand by. We may disconnected. You may have to call me back.

A. Alright.

Q. It's 12:06 pm on Friday, June 27th. This is Richard Schaeffer again. I have Mark Taylor on the phone. Is that correct Mr. Taylor?

A. Yes it is.

Q. We're going to attempt to reach Mr. Lanch at the cell phone number described before and again, Mr. Taylor, you consent to have this conversation recorded?

A. Yes.

Q. Alright stand by, and I'm going to call [REDACTED]

A. Hello.

Q. Hey yo.

A. Yo.

Q. Hey what's up?

A. Who this?

Q. This is Bear.

A. Oh shit. ... up?

Q. What up?

A. Ain't nothing.

Q. Yeah the last time I spoke to you the phone cut off and shit.

A. ...

Q. Yeah. You were sleeping?

A. Huh?

Q. You were sleeping?

A. Yeah I got a court date coming up man.

Q. Who?

A. You.

Q. When.

A. ...7th.

Q. Huh.

A. The 7th.

Q. Oh.

A. Huh?

Q. For what.

A. For what?

Q. Yeah.

A. That shit with Big Man. ...

Q. With who.

A. ...

Q. With who?

A. Champs.

Q. Oh.

A. Yo ... to court.

Q. I got to go to court.

A. Um hum.

Q. For what though. What they.

A. Everybody going - me, what's the nigger name ...ly.

Q. Yeah.

A. ...

Q. Huh.

A. You.

Q. Yeah. ...

A. ...gonna be there. Huh?

Q. What to tell what happen.

A. Yeah.

Q. Oh. Oh yeah ... yo I wanted to ask you a question. You said they - you said they got my ... up in the bootlegger.

A. What?

Q. They got an article on me up in the bootlegger?

A. Of you?

Q. Yeah.

A. Yep.

Q. Saying what though.

A. Huh?

Q. Saying what.

A. About the whole - the whole ...the article for me off the ... I'm sorry... the room. Ah shit. Hello?

Q. Yeah.

A. Yep.

Q. What saying I'm a snitch or something.

A. Yep.

Q. And what - what it said. ... the article - the article say I'm a snitch.

A. Yep. ...

Q. So what about - so you think so. I don't understand that man. How the - cause I'm saying I asked somebody and they said that it don't say I'm a snitch in the article.

A. What?

Q. It don't say I'm a snitch in the article.

A. ... It don't say you snitched - the informant. That's the word they used.

Q. So I'm saying what you think people trying to get me or something.

A. ...

Q. I'm just saying people in general.

A. Yep.

Q. But ... they just talking or they serious.

A. I don't know. I can't call it. You got see it when you see it. ...do with me. I don't really give a fuck.

Q. So you think if I come around there well that something gonna happen to me.

A. Yep.

Q. Definitely.

A. Yep.

Q. Man.

A. ... some other kids. I don't know man.

Q. Huh.

A. Some other niggers I don't know neither man. ... and ... man.

Q. Darren and them man.

A. Huh?

Q. What Darren ... man.

A. Yeah.

Q. What they say they gonna - what they gonna...

A. I don't know...

Q. Huh.

A. ... don't know these niggers.

Q. You don't know them.

A. No.

Q. ... they - what they... gonna push me off or something.

A. Yep.

Q. But... yo let me ask you a question though. You hear me.

A. Yeah.

Q. Yo you think I'm wrong for telling them what happened. Money been locked up for nine years for nothing...

A. I don't know. I can't...

Q. You know what I'm saying.

A. I feel you dog.

Q. But I said - I mean nobody you know what I mean - nobody tell ... you know what I'm saying to kill..., go around killing people like that man. You know what I mean. True. You know what I'm saying. True. I'm just asking you. What you think I'm wrong for doing that.

A. ... man. I don't know man. I don't know the situation. I mean if you was gonna say something you should've said something from the day one, nine years ago.

Q. Yeah.

A. You feel me?

Q. Yeah.

A. But I don't know man. ... everybody got there reasons. I don't know but I know ... niggers.

Q. Put it like this. Put it like this. If ain't say that but you don't think ... you don't think he was gonna try to get me or something.

A. Who?

Q. Garfield.

A. I don't know....why...

Q. But ... that. The last time you told me you said yeah his man today they was supposed to have been killed me or some shit like that.

A. Oh Scra...s?

Q. Yeah.

A. Scra...s was ...

Q. So he was ... He was gonna kill me a long time ago.

A. Yeah... .. was like ... should let him do it. ... Now he says Scra...s is ready for the pop off man. You hear me?

Q. Yeah.

A. I don't know man. You...

Q. So you wouldn't advise me to come around there when I get out.

A. Oh hell no. Hell no. Definitely not.

Q. So ... like what about my moms and them - shit like that. What they, they.

A. ... get down like that. ain't playing. You know niggers don't get down like that.

Q. Yeah.

A. Your moms or your ...s and like that.

Q. Alright.

A. They told your moms. They told your pops.

Q. Huh.

A. They told your pops...

Q. They told my pops.

A. Yeah like man. They ... your pops...

Q. They thought I was who.

A. They roll up to your pops like yeah man, ... your son's a snitch. Fuck your son. And your popstalking to your pops like fifteen like ten minutes.

Q. Who was talking to him.

A. Some niggers in a car. ..., Fish...

Q. ... Fish.

A. ... yeah. They looking ... your pop look ill...

Q. And they told. That's what they told my father.

A. Yeah.

Q. When this happen.

A. It happened a while. This happened - the end of the summer.

Q. Last summer.

A. Um hum.

Q. They just rolled up on him and told him that.

A. Niggers riding on the block. He was outside.

Q. And then what he say.

A. ... shit. Had a ill face on.

Q. ...

A. I don't know... Like I said. I don't know what happened. Why you did it. Why, why you didn't. I don't know. I mean that's on you and them. Me I'm in the middle. I'm gonna get fucked. I ... do with that. You heard?

Q. Yeah. So the other - the other kid that did that's innocent, he ain't coming home.

A. Who

Q. The other guy. I don't know his name.

A. I'm saying that's what he's supposed to be going to court on Monday for. He might. It should be in the paper. It was in the paper the other day. Yo.

Q. Yeah.

A. I got to be out...

Q. Alright.

A. Alright.

Q. Alright. ... Hello. Hello. Hello. Hello. Hello. Hello.

It is 12:21 pm on June 27th. The prior conversation between Mark Taylor and Eric Lanch was discontinued abruptly. Mr. Taylor has called me back. Are you on the line Mr. Taylor.

A. Yes I am.

Q. And do you consent to the continued recording of your conversation with Mr. Lanch.

A. Yes I do.

Q. Alright stand by and we're going to place the call to [REDACTED]

A. Yeah.

Q. Hello. Yo yo. Yeah son. I want to ask you a question. How they know I'm going to court.

A.

Q. Huh. How those niggers know I'm going to court.

A. ... got to go.

Q. Huh?

A. ... you got to come up... ... got to go the same day you go.

Q. The same day. So they. So what they gonna see me in the court.

A. ... they can't do nothing to you but they just gonna be there.

Q. Oh. What about... What about them other guy - them other kids. They gonna be there.

A. Everybody gonna be there son. The whole courtroom will be packed with everybody that you don't want to see. Everybody got the date. Niggers told me the date - like yeah we going up there. Everybody you don't want to see is coming ... they gonna be sitting in the audience.

Q. ...

A. D...ly coming up here and ... gonna be there.

Q. Alright.

A. ... D...ly the other day. D...ly ... D...ly all the way up here but he didn't say why. But everybody already know why.

Q. ...

A. So everybody's gonna be at the courtroom.

Q. Yeah.

A. So whatever story you'll tell - you don't want nobody - everybody gonna know what happen.

Q. Huh?

A. On the 7th.

Q.

A. That's how I know the date. ... everybody else know...

- Q. ...
- A. That's ... a week or some shit.
- Q. So they mad at me that I that they got to go tell them what happened or something.
- A. Yeah.... Yeah they mad. They didn't want ... do with that shit. They didn't want to go up there. I'm saying ...
- Q. They they. But they didn't. They they but Scrams did that you know what I'm saying himself. They ain't got nothing, nobody.
- A. Nah. They know that that that nigger ... slash him with the bottle. That shit out. They... know that.
- Q. Yeah.
- A. ... like I'm saying. ... that 's why ...'s. Hello? Yeah.
- ? Are you ready yet?
- Q. Ten minutes. Five minutes.
- ? ...
- Q. I'm looking for ... But I mean they can't. But they can't do nothing to him if they hit him with a bottle or something.
- A. Yeah that's that's accessory son. Yeah but he was there and he did something to - did - you know what I'm saying - had something to do with that shit. He might not even come.
- Q. But me and ... had nothing to do with ... We ain't thrown no bottle. We didn't do shit.
- A. I know that but the nigger. ... you didn't have nothing to do with that shit. Niggers don't want their names involved in shit like that.
- Q. You know what I'm saying. I don't know man. But I'm saying Scra...s killed ... on his own. Nobody told Scra...s to kill that man.
- A. I feel you dude. I'm saying I don't know.
- Q. You know what I'm saying.

- A. ... know. But you if niggers... it. If niggers are there. That's still the same thing. ... there and they run together and they acted together. They rode up together. ... guilty...
- Q. ...
- A. Especially the other nigger hit him with the bottle. ... That's a guilty. Slash with a bottle son.
- Q. But he ... He smash ... with a bottle. But he didn't.
- A. ...
- Q. Tell him to kill him ...
- A. It's not the point dude. ... tell them they all acted together. ... he told them knew he was gonna do it ...
- Q. ...
- A. Same thing ... when I went with Pat, stayed with Pat. If if ... got caught ... get the same shit that you got. You right. I ain't tell him to do that shit. I had nothing to do. I ain't the one to do that shit. But he did it any way.
- Q. ... And. So he think - so they think that I told the police that Garfield had something to do with Pat... ... they think that shit too.
- A. No they... do that. ...do Pat. Just that nigger. Just the other nigger. Pat...shit open and closed.
- Q. ...
- A. You know what I mean. But that shit with - the other shit ... you... son. They be having this nigger - the nigger who got killed. What you call it be coming up there talking the nigger brother.
- Q. Who.
- A. Nigger who got killed.
- Q. Yeah.
- A. His brother.

Q. Yeah.

A. He ... come ... niggers and saying ... telling him that Scra... Money didn't do it. I'm saying. Money's like yo I believe you but now...ready to tell him to go to court and tell him to switch. It's hard to switch so easy after you get convicted.

Q. Yeah.

A. ... these niggers coming from Binghamton I think somewhere upstate. I don't know man.

Q. Well they coming to see me in court.

A. Yeah. Son gonna be like forty people in that - thirty people there in the courtroom.

Q. ...

A. Everybody said they coming. Everybody ... Yeah I want see this. I want see this.

Q. Yeah.

A. You know what I'm saying. Cause Dean got to go. Everybody know Dean got to go.

Q. Yeah.

A. ... supposed to come but he scared. He don't know if he coming or not.

Q. What about big Rob.

A. Who?

Q. Big Rob.

A. I don't know about him. ... don't come around too much. But I see him once in a while.

Q. Um. What about Josie.

A. Who?

Q. Joy.

A. What about her?

Q. She coming too.

A. Probably. She know about it. Everybody... I want to see this. And ... so. I don't ...
Everybody talking about it. ...the talk of the town right now.

Q. That's crazy.

A. Talk of the town. Talk of the town. But I don't know son. I don't know. Everybody do
what they do for some kind of reason.

Q. Um hum.

A. You heard?

Q. Yeah ...

A. ... I want to go take a shower to get ready to go to work.

Q. I'll...

A. ... get off. Alright.

Q. ... Hello.

It's 12:27 pm and the telephone conversation was disconnected.

EXHIBIT J



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

Richard A. Brown
District Attorney

MEMORANDUM

TO: HOMICIDE INVESTIGATIONS FILE

FROM: JOHNNETTE TRAILL

DATE: MARCH 14, 1994

RE: DARRYLE ADAMS (deceased)

On Wednesday, March 9, 1994, the writer responded to the 113th Precinct in connection with the investigation into the death of Darryle Adams. Present at the precinct were Detective Medina and Kevin Boatwright, an eyewitness to the incident.

On the night in question, Boatwright had been walking and talking with the deceased. The deceased had eventually walked a half block ahead of the witness when the witness was approached by two men. One pointed a gun to the witness' head and stated something to the effect of give me the money. The other, who was in a wheelchair, stated something to the effect of no, that's not him.

The two men then left the witness and approached the deceased who by now was about a block away from the victim. The witness observed the deceased get down on his knees, and the man in the wheelchair hit him over the head with a bottle. The man who had previously pointed the gun at the witness' head then shot the deceased in the head. The witness also observed two other males at the scene, but did not see them do anything.

Through an investigation, Dwayne Dunn came to the attention of Detective Medina. Dunn, ([REDACTED], dob - [REDACTED]) had been shot about 2 years ago and was currently in a wheel chair. The witness identified him in a photo array as the person he saw at the scene in a wheelchair. The witness also identified Colin Stewart ([REDACTED], dob - [REDACTED]) in a photo array as the person who pointed a gun to his head. Dunn had stated to the detective that he was with Stewart all night and that neither of them was at the scene of the shooting. Two line-ups were subsequently viewed by the witness with negative results.



#A


 picked #1 as being at location of shooting
and running away w/ three others.
-3/14/94 about 0045 hrs

EXHIBIT K

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
PEOPLE OF THE STATE OF NEW YORK,

Respondents,

AFFIDAVIT OF
MICHAEL MAYS

- against -

SAMUEL BROWNRIDGE,

Defendant.

-----X

Michael Mays, being duly sworn, deposes and says:

1. I was the attorney who represented the defendant, Samuel Brownridge, Jr., in the above entitled action, and I make this affidavit in support of his motion to vacate the judgment.

2. On December 20, 2018, I was contacted by a paralegal from the law firm Barkett Epstein Kearon Aldea & LoTurco, LLP regarding my representation of Mr. Brownridge, under indictment number 1094/94, and whether I recalled receiving certain documents as part of discovery.

3. I explained that I no longer have the file because the case was more than twenty years old. However, I did request a copy of the documents in question so that I could make an informed opinion as to whether I did receive the documents prior to trial.

4. On December 21, 2018 I received the requested documents, which are summarized below and attached hereto as Exhibits A – H, and I reviewed them.

5. “Exhibit A” is an internal memo from ADA Johnnette Traill, dated March 14, 1994, where she wrote: “Through an investigation, Dwayne Dunn came to the attention of Detective Medina. Dunn [info redacted] had been shot about 2 years ago and was currently in a wheelchair. The witness identified him in a photo array as the person he saw at the scene in a

wheelchair. The witness also identified Colin Stewart [info redacted] in a photo array as the person who pointed a gun to his head. Dunn had stated to the detective that he was with Stewart all night and that neither of them was at the scene of the shooting. Two line-ups were subsequently viewed by the witness with negative results.” **I did not receive this document.**

6. “Exhibit B” is an internal memo from ADA Morse, which states, in relevant part, that motive for the shooting may have been due to a “possible debt owed by victim to defendant or man in wheelchair;” and that “on March 9, 1994 – Boatwright had picked two other persons in photo array but failed to pick out of line-up.” **I did not receive this document.**

7. “Exhibit C” is the statement of Kevin Boatwright identifying the shooter as a “Male blk, light skin, about 5-10 stocky build, mid 20s short fade haircut, high on top shaved on sides, Goatee.” **I do not recall ever seeing or receiving this document.**

8. “Exhibit D” is the statement of a woman [name redacted] who stated that she heard “some guys” outside her window having an argument “about someone owing someone else a sum of money;” the witness stated that she heard one gunshot and “ran to the window and seen one male lying on the floor on Quencer Rd about 10 feet from Mexico Street;” the witness stated that she observed four men around the deceased and that one was in a wheelchair; the witness stated that she knew the person who pushed assailant in wheelchair “for about 15 or 16 years.” **I do not recall ever seeing or receiving this document.**

9. “Exhibit E” is the statement of an unknown person [name is redacted] stating that “about 8:30 P.M. or so he seen a male black in a wheelchair being pushed rapidly passed him by another male black.” **I do not recall ever seeing or receiving this document.**

10. “Exhibit F” is a detective’s note of an anonymous witness who called on March 12, 1994, at 1630 hrs, stating he “heard from the street that the male in the wheelchair that we are

looking for was shot in Brandy's liquor store about 5 months ago (117-42 farmers blvd.) and is now in wheelchair and is male who hit victim over head w/ bottle." The detective's note also states: "Further investigation revealed that on Oct 1/93 Darren Lee, NYSID 5997463M 6/29/70 of 110-14 Farmers Blvd was shot f/o 117-42 Farmer's by Chris Miller who is now deceased."

11. "Exhibit G" is a reference to "Sherrel," identified as "(Peanuts Cousin)," who "knows them all by names." **I do not recall ever seeing or receiving this document.**

12. "Exhibit H" is the handwritten statement of Quentin Hagood. **I do not recall ever seeing or receiving this document.**

13. After reviewing the above-mentioned documents, I am certain, if I had them prior to trial, I would have made use of them during my investigation, as well as for purposes of cross-examination.

14. For example, I state emphatically that I was not aware, at any time during my representation of Mr. Brownridge, that the prosecution's star witness, Kevin Boatwright, had previously identified two other individuals as his assailants – "Dwayne Dunn" and "Colin Stewart" – as described in "Exhibit A" and referenced in "Exhibit B." In fact, according to ADA Johnnette Traill's internal office memo, Kevin Boatwright "identified Colin Stewart ... in a photo array as the person who pointed a gun to his head." *See Exhibit A.*

15. At trial, Mr. Boatwright identified Mr. Brownridge as the person who both pointed the gun to his head and thereafter shot and killed Darryle Adams. The description he gave to the police – Exhibit C – did not match Mr. Brownridge's description.

16. Armed with this *Brady* information, I would have explored these previous identifications during my cross-examination of Kevin Boatwright. In fact, not only did Judge Hanophy prevent me from cross-examining Kevin Boatwright about whether he had viewed

other lineups in connection with this case, but, also, ADA Durant bolstered Mr. Boatwright's credibility during closing arguments when he argued that Mr. Boatwright's job as a security guard rendered his identification of Mr. Brownridge unassailable. Mr. Brownridge was significantly prejudiced by ADA Durant's suppression of this clear-cut *Brady* material.

17. Also, the document attached hereto as "Exhibit D" was pertinent to my investigation because it is a statement from a woman who lived in close proximity to the shooting; she stated she heard the shooting and immediately looked out her living room window and saw four individuals standing around Darryle Adams' body; she stated that she knew the person who pushed the assailant in the wheelchair for approximately 16 years. She even gave a description of the four assailants: "two tall males, one short male, and one male in a wheelchair." Significantly, she even gave the name and address of the person she knew for "15 or 16 years": "his name is [name redacted] who resides at [address redacted]."

18. This undisclosed report also reveals that this woman spoke to the police at "0930 hrs," shortly after the shooting. Not only was this witness central to my investigation, particularly since I did call two other witnesses who testified to events they observed shortly after the shooting, but she would have been critical to determining whether she was ever exposed to Mr. Brownridge's lineup proceeding.

19. I was also not aware that Detective Medina had a firm lead on the person in the wheelchair – Exhibit E – and that early on in the investigation a witness had identified "Darren Lee" as the person who hit Darryle Adams over the head with a bottle. Exhibit F. Since I was not provided this information, and given my genuine belief that the person in a wheelchair was a made-up story, part of my strategy at trial was to discredit the idea that someone in a wheelchair would be out robbing people.

20. However, if this pertinent information had been provided to me, I would have made tracking down Darren Lee and his affiliates a priority since not only would it have established that Mr. Brownridge was not the shooter, it also would have led the police to the real killer.

21. Further, I was not aware that someone related to Darryle Adams may have had a lead on the names of the people involved in his murder. If this information had been provided to me prior to trial, I am certain I would have investigated "Sherrel," who was identified as "Peanut's cousin." The statement indicates that she possibly knew the suspects by name. See Exhibit G.

22. Finally, I do not recall ever receiving, as part of *Rosario* material, the handwritten statement of Quentin Hagood. Exhibit H. I would have used this written statement during my cross-examination of Quentin Hagood had it been provided to me. For example, in Hagood's written statement he states: "On Monday March 7, 1994 at 9:00 pm I was at a friends house on [redacted] siting on the stoop. I saw penut and [redacted] at the corner of Quencer with some kids aproching them one person pointed a gun to [redacted] head on the left side of him was a Kid in a wheelchair then he told penut to nel down that he hit him with a bottle than his friend turned and shot penut" (sic).

23. As I can recall, and contrary to Hagood's written statement, there was no evidence presented at trial that Kevin Boatwright stood side-by-side with Darryle Adams as a gun was brandished in his face, or when Darryle Adams was shot.

24. The strategy I employed at the trial of Samuel Brownridge, Jr., would have been bolstered, and I believe resulted in an acquittal, if I had received the attached documents. The failure of ADA Kevin Durant to provide the defense with these documents, in my view, violated

Brady and Rosario rules and directly contributed to Samuel Brownridge's wrongful conviction.

M. Mays

Michael Mays

Subscribed and sworn to before me
This 27th of March, 2019

Jessica M. Lopez
Notary Public

Jessica M. Lopez
Notary Public, State of New York
Qualified in Albany County
No. 01LO6381761
Commission Expires 10/09/2022

EXHIBIT A

EXHIBIT A



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

Richard A. Brown
District Attorney

MEMORANDUM

TO: HOMICIDE INVESTIGATIONS FILE

FROM: JOHNNETTE TRAILL

DATE: MARCH 14, 1994

RE: DARRYLE ADAMS (deceased)

On Wednesday, March 9, 1994, the writer responded to the 113th Precinct in connection with the investigation into the death of Darryle Adams. Present at the precinct were Detective Medina and Kevin Boatwright, an eyewitness to the incident.

On the night in question, Boatwright had been walking and talking with the deceased. The deceased had eventually walked a half block ahead of the witness when the witness was approached by two men. One pointed a gun to the witness' head and stated something to the effect of give me the money. The other, who was in a wheelchair, stated something to the effect of no, that's not him.

The two men then left the witness and approached the deceased who by now was about a block away from the victim. The witness observed the deceased get down on his knees, and the man in the wheelchair hit him over the head with a bottle. The man who had previously pointed the gun at the witness' head then shot the deceased in the head. The witness also observed two other males at the scene, but did not see them do anything.

Through an investigation, Dwayne Dunn came to the attention of Detective Medina. Dunn, ([REDACTED], dob - [REDACTED]) had been shot about 2 years ago and was currently in a wheel chair. The witness identified him in a photo array as the person he saw at the scene in a wheelchair. The witness also identified Colin Stewart ([REDACTED], dob - [REDACTED]) in a photo array as the person who pointed a gun to his head. Dunn had stated to the detective that he was with Stewart all night and that neither of them was at the scene of the shooting. Two line-ups were subsequently viewed by the witness with negative results.



EXHIBIT B

EXHIBIT B

HOMICIDE ARREST

A.D.A. Morse

DECEASED: NAME: Darryle Adams
AGE/RACE: [REDACTED]
BACKGROUND: [REDACTED]

DEFENDANT: NAME: Samuel Brownridge "Mookie"
AGE/RACE: M/B 4/30/75
BACKGROUND: 198-02 116th Avenue

RELATIONSHIP: None

MOTIVE: Possible debt owned by victim to defendant or man in wheelchair.

WEAPON: Handgun

OCCURRENCE: DATE/TIME: 3/7/94 at 21:02
LOCATION: C/O Mexico Street and Quence Road

APPARENT CAUSE OF DEATH: Gunshot to temple.

ARREST: DATE/TIME: 3/14/94 at 17:05
LOCATION: 113 Precinct
A/O: Det Ray Medina

FACTS OF ARREST: Defendant came from his house to precinct and was arrested after he was picked out of a photo array by Kevin Boatwright.

EVIDENCE: EYEWITNESS(ES):

| | |
|---------------------|--------------------|
| Kevin Boatwright | Quentin Hagood |
| 187-16 Sullivan Rd. | 189-16 Tioga Drive |

PHYSICAL PROPERTY RECOVERED: None

STATEMENTS: None

DETECTIVE ASSIGNED: Ray Medina, Sh. 2446, 113 PDU

BRIEF SUMMARY: At T/P/O, unidentified black male in a wheelchair hit victim on the head with a bottle and apprehended defendant shot and killed deceased. Victim was removed to Mary Immaculate Hospital where he expired.

First Officer is P.O. Sullivan, Sh. 14576, 113 Precinct.

Boatwright was stopped on the street by defendant and another male. Defendant put a gun to Boatwright's head. Male in the wheel

chair said that's not him, The defendant and the other male met up with the male in the wheelchair and a fourth male. Darryle Adams was coming down the street. The man with the gun told him to empty his pockets and he did. Adams fell to his knees and said "I don't have anything." Male in wheelchair hit him over the head with a bottle and the man with the gun shot him once in the head.

Photo array hit by Boatwright on March 14, 1994 - #3.

on March 9, 1994 - Boatwright had picked two other persons in photo array but failed to pick out of line-up.

Line-up on March 14, 1994 both boatwright and Hagood pick out #6 - defendant.

Subpoena to Boatwright and Hagood for March 17, 1994.

EXHIBIT C

EXHIBIT C

| | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|---|--|--|--|---|--|---|--|--------------------|--|------------|--|-------------|--|-------------|--|-----------|--|----------|--|
| INFORMATIONAL PD 313-0B1A (Rev. 4-89)-31 | | Crime Inv. Homicide | | 113 | | 3929 | | 3/9/94 | | PERP 1 | | | | | | | | | | | | | |
| Date of Orig. Report 3/7/94 | | Date Assigned 3/7/94 | | Case No. 409 | | Unit Reporting 113 SQD | | Follow-Up No. | | PERP 2 | | | | | | | | | | | | | |
| Complainant's Name - Last, First, M.I. P.S.N.Y. For Darryle Adams | | | | | | Victim's Name - If Different | | | | | | 15 | | | | | | | | | | | |
| Last Name, First, M.I. | | | | | | Address, Include City, State, Zip | | | | | | Apt. No. | | PERP 1 | | | | | | | | | |
| Home Telephone | | Business Telephone | | Position / Relationship | | Sex | | Race | | Date of Birth | | Age | | PERP 2 | | | | | | | | | |
| Total No. of Perpetrators | | Wanted | | Arrested | | Weapon <input type="checkbox"/> Used <input type="checkbox"/> Possessed | | Describe Weapon (If firearm, give color, make, calibre, type, model, etc.) | | | | | | | | | | | | | | | |
| Wanted <input type="checkbox"/> | | Arrested <input type="checkbox"/> | | Last Name, First, M.I. | | Address, Include City, State, Zip | | | | | | Apt. No. | | Res. Pct. | | 16 | | | | | | | |
| Sex | | Race | | Date of Birth | | Age | | Height Fl. In. | | Weight | | Eye Color | | Hair Color | | Hair Length | | Facial Hair | | NYSID No. | | CHOICE 1 | |
| <input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses | | Nickname, First Name, Alias | | Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details"): | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| Wanted <input type="checkbox"/> | | Arrested <input type="checkbox"/> | | Last Name, First, M.I. | | Address, Include City, State, Zip | | | | | | Apt. No. | | Res. Pct. | | 17 | | | | | | | |
| Sex | | Race | | Date of Birth | | Age | | Height Fl. In. | | Weight | | Eye Color | | Hair Color | | Hair Length | | Facial Hair | | NYSID No. | | CHOICE 1 | |
| <input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses | | Nickname, First Name, Alias | | Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details"): | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| 3 | | | | | | | | | | | | | | | | | | | | | | CHOICE 1 | |
| AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS." | | | | | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| Comp. Interviewed <input type="checkbox"/> Yes <input type="checkbox"/> No | | In Person <input type="checkbox"/> | | By Phone <input type="checkbox"/> | | Date 3/9/94 | | Time 1300 | | Results: Same as Comp. Report - Different (Explain in Details) <input type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | | CHOICE 1 | |
| Witness Interviewed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | In Person <input checked="" type="checkbox"/> | | By Phone <input type="checkbox"/> | | Date 3/9/94 | | Time 1300 | | Results: Same as Comp. Report - Different (Explain in Details) <input type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | | CHOICE 2 | |
| Canvass Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No | | If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results | | | | | | Crime Scene Visited <input type="checkbox"/> Yes <input type="checkbox"/> No | | If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained | | | | | | | | | | | | 19 | |
| Complainant Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | Results: | | | | | | | | | | | | | | | | | | | | CHOICE 1 | |
| Witness Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | Results: | | | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| Crime Scene Dusted <input type="checkbox"/> Yes <input type="checkbox"/> No | | By (Enter Results in Details) | | | | | | Crime Scene Photos <input type="checkbox"/> Yes <input type="checkbox"/> No | | By (Enter Results in Details) | | | | | | | | | | | | 20 | |
| If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted | | | | | | | | | | | | | | | | | | | | | | PERP 2 | |
| 6 | | | | | | | | | | | | | | | | | | | | | | PERP 1 | |
| DETAILS: | | | | | | | | | | | | | | | | | | | | | | 21 | |
| INVESTIGATION: HOMICIDE | | | | | | | | | | | | | | | | | | | | | | PERP 1 | |
| SUBJECT: INTERVIEW WITH [REDACTED] | | | | | | | | | | | | | | | | | | | | | | PERP 2 | |
| 7 | | | | | | | | | | | | | | | | | | | | | | PERP 1 | |
| 1. On this date at about 1500 hrs. the undersigned interviewed [REDACTED] at his residence. The result of this interview are as follows. | | | | | | | | | | | | | | | | | | | | | | 22 | |
| 2. He stated that he left his home located at [REDACTED] on [REDACTED] at about 8:00 P.M. He walked to [REDACTED] house located at [REDACTED] this took about five minutes. When he arrived he knocked on the basement window and Darryle Adams answered and said that [REDACTED] was not home at that time. [REDACTED] then walked to Farmers and 114 to buy cigarettes. He then seen [REDACTED] on Farmers and Murdock and had a beer and talked for about fifteen minutes. | | | | | | | | | | | | | | | | | | | | | | PERP 1 | |
| 3. At about 8:30 they both left for home. At this time [REDACTED] was alone and walked towards Mexico Street and Tioga Rd. and decided to stop at his friend [REDACTED] house [REDACTED] He stayed there for about fifteen minutes. He then left and walked back on Mexico towards Quencer Rd. to go home. Halfway between [REDACTED] on Mexico st. he seen four males including a male in a wheelchair. Two of them approached [REDACTED] while the male in the wheelchair and another male stayed at the intersection of Mexico and Quencer. The two males that walked up to [REDACTED] said "whats up" and [REDACTED] replied "whats up" Then one of the males said "what do you mean what the fucks up" and he pulled out a grey gun and put it to his head. [REDACTED] then said Im not following you Im going home I live on [REDACTED] At that time the male in the wheelchair yelled out thats not him, leave him alone. | | | | | | | | | | | | | | | | | | | | | | PERP 2 | |
| Cont' | | | | | | | | | | | | | | | | | | | | | | 24 | |
| CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | DATE REVIEWED / CLOSED | | | | | | IF ACTIVE, DATE OF NEXT REVIEW | | | | | | | | | | | | | | PERP 1 | |
| REPORTING OFFICER: | | RANK Det | | NAME PRINTED Ray Medina | | | | | | TAX REC. NO. | | COMMAND 113 SQD | | | | | | | | | | PERP 2 | |
| REVIEWING / CLOSING SUPERVISOR: | | CASE CLOSED: C | | ENTER DESIGNATION OR B | | | | | | SIGNATURE | | C.O.'s INITIALS | | | | | | | | | | PERP 1 | |
| Choice 1 | | Choice 2 | | Perp 1 | | Perp 2 | | Perp 1 | | Perp 2 | | Perp 1 | | Perp 2 | | Perp 1 | | Perp 2 | | 1A | | | |



DETAILS

4. The two males then walked away from [redacted] and met up with the other two males. At that time Darryle Adams was walking up Quencer towards Mexico street. The four males then walked up to Darryle. The male that was standing next to the wheelchair told Darryle to empty his pockets and he pulled out a gun and pointed it at him. At that time Darryle emptied only change out of his pockets onto the street. He then fell to his knees and said "please I don't have anything" The male in the wheelchair then hit Darryle over the head with a bottle, and as it broke Darryle covered his face.

5. The male that held the grey gun to [redacted] head then took out the gun again, and while Darryle was on his knees, he shot him once in the head. At that time [redacted] ran home on Mexico street and down [redacted]. He stated that when he got home he immediately called [redacted] parents and told them what happened.

6. The following are descriptions given by witness [redacted]

#6

----- Male in wheelchair- Male blk, 20s, dark skin, wearing a black leather jacket. Short neat afro.

----- The male who put grey gun to [redacted] head- Male blk, light skin, about 5-10 stocky build, mid 20s, short fade haircut, high on top shaved on sides. Goatee, three qtr. green coat.

----- Male who was standing next to wheelchair- Male blk, 5-10, mid 20s, slim, orange coat. (to far for further description.)

----- Male standing next to male who put gun to [redacted] head- Male blk, short neat afro, about 5-6, med build, clean shaven, wearing all blk.

7. Investigation to continue.

13
(B)

| | | | | | |
|---|---|--|--|--------------------------------|--------------------|
| CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | DATE REVIEWED <input checked="" type="checkbox"/> CLOSED | | IF ACTIVE, DATE OF NEXT REVIEW | |
| REPORTING OFFICER: | RANK Det, | NAME PRINTED Ray Medina | | TAX REG. NO. [redacted] | COMMAND 113 SQd |
| REVIEWING/CLOSING SUPERVISOR: | CASE CLOSED: C <input checked="" type="checkbox"/> OR B <input type="checkbox"/> | ENTER DESIGNATION [redacted] | | C.O.'s INITIALS | |

Unit # B

Autumn.

Left home 8:00 walked to
house on [redacted] at
8:05. Tapped on window
Basement, Peanut answered
Said [redacted] not home.

[redacted] left to [redacted]
To buy Cigars. Seen [redacted]
on James and Newback.
Talked about 15 min
drank one beer. Now
about 8:30. all left
[redacted] went home [redacted]

went towards Mexico & Toga
Bernard's house 115-69 Toga.
Stayed about 15 min.
went back out Mexico &
walked towards Quincy to
home. Halfway between
[redacted] & Quincy on
[redacted]

W. T. H. B.

in wheelchair said
that's not him leave
him alone. I sits down got
and walks away. I have
seen peasant walking on
runner up towards Mexico
mule standing next to
wheelchair walks up to peasant
tells him empty your pockets
and spits gum at him. Peasant
empties pockets only pennies.
Peasant then went to his
Whee said "please I don't have
anything" mule in wheelchair
gets peasant in fire up battle
put head between horns. Then
mule who put gun to his
head walked up to him and shot
him in back of head. Then
I fled on Mexico → down trip

going home. I got home
called parents & friends and
told them what happened.

(Whelcher) black father dark
skin, short neat afro. ²⁰ head shy

(cut gun to head) light skin ²⁵ 10
short face hair cut light ²⁰ 10
on top shaved on sides

(gutter) green coat 3/4

(1st male who pulled gun) tall ^{5'10"} 10
out on porch ²⁰ 10
— orange coat to far skin
for further description

(male standing next
to side)

Short neat afro, all ²⁰ 10
black, clean shaven. ^{short} 10
small

EXHIBIT D

EXHIBIT D

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-------------------------------------|--|---|--|--|--|--|--|-----------------------------------|--|--|--|--|--|-----------------|--|--|--|-----------|--|----------|--|----------|--|--|--|----------|--|
| Investigate Homicide | | | | | | | | | | 113 SQD | | Follow-up no. | | PERP 2 | | | | | | | | | | | | | | | |
| Date of Orig. Report 3/7/94 | | | | Date Assigned 3/7/94 | | | | Case No. 409 | | | | Unit Reporting | | | | PERP 1 | | | | | | | | | | | | | |
| Complainant's Name - Last, First, M.I. P.S.N.Y. for Darryle Adams | | | | | | | | | | Victim's Name - If Different | | | | | | 15 | | | | | | | | | | | | | |
| Last Name, First, M.I. | | | | | | | | | | Address, Include City, State, Zip | | | | | | Apt. No. | | PERP 1 | | | | | | | | | | | |
| Home Telephone | | | | Business Telephone | | | | Position / Relationship | | | | Sex | | Race | | Date of Birth | | Age | | PERP 2 | | | | | | | | | |
| Total No. of Perpetrators | | Wanted | | Arrested | | Weapon | | Describe Weapon (If firearm, give color, make, calibre, type, model, etc.) | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> Used <input type="checkbox"/> Possessed | | | | | | | | | | | | | | | | | | | | | | | |
| Wanted | | Arrested | | Last Name, First, M.I. | | | | | | Address, Include City, State, Zip | | | | | | Apt. No. | | Res. Pct. | | 16 | | | | | | | | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | CHOICE 1 | | | | | | | | | |
| Sex | | Race | | Date of Birth | | Age | | Height | | Weight | | Eye Color | | Hair Color | | Hair Length | | Facial Hair | | NYSID No. | | CHOICE 2 | | | | | | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | Fl. | | In. | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Eyeglasses | | <input type="checkbox"/> Sunglasses | | Clothing Description | | | | | | | | | | | | | | | | | | CHOICE 1 | | | | | | | |
| Nickname, First Name, Alias | | | | Scars, Marks, M.O., Etc. (Continue in "Details") | | | | | | | | | | | | | | | | | | CHOICE 2 | | | | | | | |
| Wanted | | Arrested | | Last Name, First, M.I. | | | | | | Address, Include City, State, Zip | | | | | | Apt. No. | | Res. Pct. | | 17 | | | | | | | | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | CHOICE 1 | | | | | | | | | |
| Sex | | Race | | Date of Birth | | Age | | Height | | Weight | | Eye Color | | Hair Color | | Hair Length | | Facial Hair | | NYSID No. | | CHOICE 2 | | | | | | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | Fl. | | In. | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Eyeglasses | | <input type="checkbox"/> Sunglasses | | Clothing Description | | | | | | | | | | | | | | | | | | CHOICE 1 | | | | | | | |
| Nickname, First Name, Alias | | | | Scars, Marks, M.O., Etc. (Continue in "Details") | | | | | | | | | | | | | | | | | | CHOICE 2 | | | | | | | |
| AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE. "NO RESULTS." | | | | | | | | | | | | | | | | | | | | | | CHOICE 1 | | | | | | | |
| Comp. Interviewed | | | | In Person | | By Phone | | Date | | Time | | Results: Same as Comp. Report - Different (Explain in Details) | | | | | | | | | | CHOICE 2 | | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | |
| Witness Interviewed | | | | In Person | | By Phone | | Date | | Time | | Results: Same as Comp. Report - Different (Explain in Details) | | | | | | | | | | CHOICE 1 | | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | |
| Canvass Conducted | | | | If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results | | | | | | | | | | Crime Scene Visited | | | | If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained | | | | | | | | | | 19 | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | CHOICE 1 | |
| Complainant Viewed Photos | | | | Results: | | | | | | | | | | | | | | | | | | | | CHOICE 2 | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Witness Viewed Photos | | | | Results: | | | | | | | | | | | | | | | | | | | | 20 | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crime Scene Dusted | | | | By (Enter Results in Details) | | | | | | | | | | Crime Scene Photos | | | | By (Enter Results in Details) | | | | | | | | | | PERP 1 | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | |
| If Closing Case "No Results," Check Appropriate Box and State Justification in Details: | | | | | | | | | | | | | | | | | | | | | | PERP 2 | | | | | | | |
| <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DETAILS: | | | | | | | | | | | | | | | | | | | | | | 21 | | | | | | | |
| INVESTIGATION: HOMICIDE | | | | | | | | | | | | | | | | | | | | | | PERP 1 | | | | | | | |
| SUBJECT: INTERVIEW WITH WITNESS [REDACTED] | | | | | | | | | | | | | | | | | | | | | | PERP 2 | | | | | | | |
| 1. On this date at about 0930 hrs. the undersigned interviewed [REDACTED] at the 113 Pct Sqd office. She stated that she lives at [REDACTED] Phone number [REDACTED] O.B. [REDACTED] She gives information as follows. | | | | | | | | | | | | | | | | | | | | | | 22 | | | | | | | |
| 2. [REDACTED] states that at about 9:00 P.M. she was in her livingroom on the phone with a friend. At that time she heard some guys arguing outside her window. She states that the argument was about someone owing someone else a sum of money. The argument then suddenly stopped and she immediately heard one gunshot sound. She then ran to the window and seen one male lying on the floor on Quencer Rd about 10 feet from Mexico street. Standing over him were four male blacks, two tall males, one short male, and one male in a wheelchair. The male in the wheelchair was looking down at the victim and he had a blanket across his lap with his hands underneath it. The other two tall males then proceeded to walk northbound on Mexico street to Dormans Rd. eastbound at a high rate of speed. Directly behind them was the short male pushing the other male in the wheelchair. The wheelchair was described as a short sporty type wheelchair. Witness was able to identify the short male who was pushing the wheel chair. She stated that | | | | | | | | | | | | | | | | | | | | | | 23 | | | | | | | |
| CONT- | | | | | | | | | | | | | | | | | | | | | | 24 | | | | | | | |
| CASE | | | | DATE REVIEWED / CLOSED | | | | | | | | IF ACTIVE, DATE OF NEXT REVIEW | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REPORTING OFFICER: | | | | RANK Det. | | | | NAME PRINTED Ray Medina | | | | TAX REG. NO. | | | | COMMAND 113 SQD | | | | | | | | | | | | | |
| REVIEWING / CLOSING SUPERVISOR: | | | | CASE | | | | CLOSING | | | | C.O.'s INITIALS | | | | | | | | | | | | | | | | | |
| | | | | CLOSING: C | | | | OR B | | | | | | | | | | | | | | | | | | | | | |
| Choice 1 | | Choice 2 | | Perp 1 | | Perp 2 | | Perp 3 | | Perp 4 | | Perp 5 | | Perp 6 | | Perp 7 | | Perp 8 | | Perp 9 | | Perp 10 | | | | | | | |

DETAILS:

his name is [REDACTED] who resides at [REDACTED]
 She also stated that she knows him for about 15 or 16
 years. In addition she could not see his face due to the
 fact that he was running in the opposite direction.

3. Adding to description [REDACTED] was
 wearing a maroon hooded sweatshirt and could not tell
 what the other males were wearing.

4. No record B.C.I.

Investigation to continue.

| | | | | | |
|---|-----------|----------------------|-----------------|--------------------------------|---------|
| CASE | | DATE REVIEWED/CLOSED | | IF ACTIVE, DATE OF NEXT REVIEW | |
| <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | [REDACTED] | | [REDACTED] | |
| REPORTING OFFICER | RANK | NAME PRINTED | | TAX REG. NO. | COMMAND |
| [REDACTED] | Det. | Ray Medina | | [REDACTED] | 113 SQD |
| REVIEWING/CLOSING SUPERVISOR | CASE | ENTER DESIGNATION | C.O.'S INITIALS | | |
| [REDACTED] | CLOSED: C | OR B | [REDACTED] | | |

EXHIBIT E

EXHIBIT E

| | | | | | | | | | | | | |
|--|--------------------------------|---|-----------------------------------|--|--|---|--------------------|--|-------------|-----------|----------|----------|
| INFORMATIONAL PD 313-081A (Rev. 4-89)-31 | | Crime Invest. Homicide | Pct. 113 | Occur No. 3929 | Complaint No. 3/8/94 | 14 PERP 1 | | | | | | |
| Date of Orig. Report 3/7/94 | Date Assigned 3/7/94 | Case No. 409 | Unit Reporting 113 SQD | Follow-Up No. | | 15 PERP 2 | | | | | | |
| Complainant's Name - Last, First, M.I. P.S.N.Y. for Darryle Adams | | Victim's Name - If Different | | | | 15 | | | | | | |
| Last Name, First, M.I. | | Address, Include City, State, Zip | | | | 15 PERP 1 | | | | | | |
| Home Telephone | | Business Telephone | | Position / Relationship | Sex Race | Date of Birth Age | 15 PERP 2 | | | | | |
| Total No. of Perpetrators | | Wanted | Arrested | Weapon <input type="checkbox"/> Used <input type="checkbox"/> Possessed | Describe Weapon (If firearm, give color, make, calibre, type, model, etc.) | | 16 | | | | | |
| Wanted <input type="checkbox"/> | | Arrested <input type="checkbox"/> | Last Name, First, M.I. | | Address, Include City, State, Zip | | Apt. No. Res. Pct. | 16 | | | | |
| Sex Race | | Date of Birth | Age | Height | Weight | Eye Color | Hair Color | Hair Length | Facial Hair | NYSID No. | CHOICE 1 | |
| <input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses | | Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details") | | | | | | | | | | CHOICE 2 |
| Nickname, First Name, Alias | | | | | | | | | | | | 17 |
| Wanted <input type="checkbox"/> | | Arrested <input type="checkbox"/> | Last Name, First, M.I. | | Address, Include City, State, Zip | | Apt. No. Res. Pct. | 17 | | | | |
| Sex Race | | Date of Birth | Age | Height | Weight | Eye Color | Hair Color | Hair Length | Facial Hair | NYSID No. | CHOICE 1 | |
| <input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses | | Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details") | | | | | | | | | | CHOICE 2 |
| Nickname, First Name, Alias | | | | | | | | | | | | 18 |
| AREA WITHIN BOX FOR DETECTIVE/LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS." | | | | | | | | | | | | CHOICE 1 |
| Comp. Interviewed <input type="checkbox"/> Yes <input type="checkbox"/> No | | In Person <input type="checkbox"/> | By Phone <input type="checkbox"/> | Date | Time | Results: Same as Comp. Report - Different (Explain in Details) | | | | | | CHOICE 2 |
| Witness Interviewed <input type="checkbox"/> Yes <input type="checkbox"/> No | | In Person <input type="checkbox"/> | By Phone <input type="checkbox"/> | Date | Time | Results: Same as Comp. Report - Different (Explain in Details) | | | | | | 19 |
| Canvass Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No | | If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results | | | | Crime Scene Visited <input type="checkbox"/> Yes <input type="checkbox"/> No | | If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained | | | | CHOICE 1 |
| Complainant Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | Results: | | | | | | | | | | CHOICE 2 |
| Witness Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | Results: | | | | | | | | | | 20 |
| Crime Scene Dusted <input type="checkbox"/> Yes <input type="checkbox"/> No | | By (Enter Results in Details) | | | | Crime Scene Photos <input type="checkbox"/> Yes <input type="checkbox"/> No | | By (Enter Results in Details) | | | | PERP 1 |
| If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted | | | | | | | | | | | | PERP 2 |
| DETAILS: | | | | | | | | | | | | 21 |
| INVESTIGATION: HOMICIDE | | | | | | | | | | | | PERP 1 |
| SUBJECT: INTERVIEW WITH [REDACTED] | | | | | | | | | | | | PERP 2 |
| 1. On this date at about 1800 hrs. the undersigned interviewed [REDACTED] at the 113 Pct Sgd office. He was transported from [REDACTED] He supplied the undersigned with the following information. | | | | | | | | | | | | 22 |
| 2. [REDACTED] states that he lives at [REDACTED] D.O.B. [REDACTED] Phone [REDACTED] with his [REDACTED] He stated that on 3/7/94 from about 8:00 P.M. to 11:00 P.M. he was standing on the C/O Farmers Blvd and 115 ave. He said that he was with a friend by the name of [REDACTED] He also stated that at about 8:30 P.M. or so, he seen a male black in a wheelchair being pushed rapidly passed him by another male black. He could not give a detailed description, but he did recognize the male in the wheelchair. He stated that he could not give his name, but he will try to find out. He also stated that his friend Jose knows the male in the wheelchair but does not think he knows his name. In addition he stated that he heard about the shooting on Mexico and Quencer because while he was standing on the corner all the Police cars and ambulance drove past him to the location. He was not able to assist any further in this investigation. | | | | | | | | | | | | 23 |
| Case to remain active. | | | | | | | | | | | | 24 |
| CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | DATE REVIEWED / CLOSED | | | | IF ACTIVE, DATE OF NEXT REVIEW | | | | | | 8 |
| REPORTING OFFICER: | | RANK Det. | | NAME PRINTED Ray Medina | | TAX REG. NO. | | COMMAND 113 SQD | | | | |
| REVIEWING / CLOSING SUPERVISOR: | | CASE CLOSED: C OR B | | SIGNATURE | | C.O.'s INITIALS | | | | | | |

EXHIBIT F

EXHIBIT F

1620H
are still received phone
call from [redacted]

[redacted] who ~~wishes~~
~~to remain~~ does not
want to get ^{involved} involved, but
was willing to follow. ~~He~~
He stated that he heard
from the street that the
male in the wheelchair that we
are looking for was shot in
Bradys pawn store about 5
months ago (117-42 Farmers Blvd)
and is now in a wheelchair
~~and is male who hit victim from back of people.~~
Further investigation revealed
that on 02/4/93 ^{NY 997463M 42d} Doreen Lee
of 110-41 Farmers Blvd was
shot H/O 117-42 Farmers by
Chris Miller who is now deceased

Victim of Homicide ~~C#~~ C#1009
26 lot. Det. Servano. - Said info
supplied by C# 2043/3113 lot.

Sherrel (Deard's Cousin)

Knows them all by names.

Sharyle Plouffe, Deard's



St. Catherine

Orin Haggood 8/21/74

189-45 TIoga DR (Peach
House)

next door to blk and white house
across from 2 fam brick house

EXHIBIT G

EXHIBIT G

Victim of Homicide ~~C#~~ C#1009
26 lot. Det. Servano. - Said info
supplied by C# 2043/3113 lot.

Sherrel (Deard's Cousin)

Knows them all by names.

Sharyle Plouffe, Beddards



St. Catherine

Orin Haggood 8/21/74

189-45 TIoga DR (Peach
House)

next door to blk and white house
across from 2 fam brick house

EXHIBIT H

EXHIBIT H

STATEMENT BY [REDACTED]

on Monday March 7, 1994 at 9:00p.
I was at a friend's house on
[REDACTED] st, sitting on the
stoop. I saw perret and [REDACTED]
~~and perret~~ at the corner of
Juniper with some kids, ask him
them one person pointed a gun
to [REDACTED] hand. on the left of
him was a kid in a wheelchair
then he told perret to get
down then he hit him with a bike
then his friend turned and shot
perret. that's the same man
who pointed the gun ~~to~~ [REDACTED]
than all of them ran up
Mexico st, turned ~~down~~ up
Dormans road and ran ongoing
across humes to [REDACTED]
and ran going. on March 13, 1994
sunday I asked the police.
I told them that I know one
of the men involved was
Mokey. but I did not tell them
he was the shooter because I
was afraid. but the next day
I told the police the truth.

#A

[REDACTED] March 14, 1994 after

[REDACTED]
3/14/94 4:00 HRS.

EXHIBIT L

| | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|---|--|--|--|---|--|---|--|--------------------|--|------------|--|-------------|--|-------------|--|-----------|--|----------|--|
| INFORMATIONAL PD 313-0B1A (Rev. 4-89)-31 | | Crime Inv. Homicide | | 113 | | 3929 | | 3/9/94 | | PERP 1 | | | | | | | | | | | | | |
| Date of Orig. Report 3/7/94 | | Date Assigned 3/7/94 | | Case No. 409 | | Unit Reporting 113 SQD | | Follow-Up No. | | PERP 2 | | | | | | | | | | | | | |
| Complainant's Name - Last, First, M.I. P.S.N.Y. For Darryle Adams | | | | | | Victim's Name - If Different | | | | | | 15 | | | | | | | | | | | |
| Last Name, First, M.I. | | | | | | Address, Include City, State, Zip | | | | | | Apt. No. | | | | | | | | | | | |
| Home Telephone | | Business Telephone | | Position / Relationship | | Sex | | Race | | Date of Birth | | Age | | | | | | | | | | | |
| Total No. of Perpetrators | | Wanted | | Arrested | | Weapon <input type="checkbox"/> Used <input type="checkbox"/> Possessed | | Describe Weapon (If firearm, give color, make, calibre, type, model, etc.) | | | | | | 16 | | | | | | | | | |
| Wanted | | Arrested | | Last Name, First, M.I. | | Address, Include City, State, Zip | | | | | | Apt. No. | | Res. Pct. | | | | | | | | | |
| Sex | | Race | | Date of Birth | | Age | | Height | | Weight | | Eye Color | | Hair Color | | Hair Length | | Facial Hair | | NYSID No. | | CHOICE 1 | |
| <input type="checkbox"/> Eyeglasses | | <input type="checkbox"/> Sunglasses | | Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details"): | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| Wanted | | Arrested | | Last Name, First, M.I. | | Address, Include City, State, Zip | | | | | | Apt. No. | | Res. Pct. | | 17 | | | | | | | |
| Sex | | Race | | Date of Birth | | Age | | Height | | Weight | | Eye Color | | Hair Color | | Hair Length | | Facial Hair | | NYSID No. | | CHOICE 1 | |
| <input type="checkbox"/> Eyeglasses | | <input type="checkbox"/> Sunglasses | | Clothing Description, Scars, Marks, M.O., Etc. (Continue in "Details"): | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS." | | | | | | | | | | | | | | | | | | | | | | CHOICE 1 | |
| Comp. Interviewed <input type="checkbox"/> Yes <input type="checkbox"/> No | | In Person <input type="checkbox"/> | | By Phone <input type="checkbox"/> | | Date | | Time | | Results: Same as Comp. Report - Different (Explain in Details) <input type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | | CHOICE 2 | |
| Witness Interviewed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | In Person <input checked="" type="checkbox"/> | | By Phone <input type="checkbox"/> | | Date 3/9/94 | | Time 1300 | | Results: Same as Comp. Report - Different (Explain in Details) <input type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | | CHOICE 2 | |
| Canvass Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No | | If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results | | | | | | Crime Scene Visited <input type="checkbox"/> Yes <input type="checkbox"/> No | | If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained | | | | | | | | | | | | 19 | |
| Complainant Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | Results: | | | | | | | | | | | | | | | | | | | | CHOICE 1 | |
| Witness Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | Results: | | | | | | | | | | | | | | | | | | | | CHOICE 2 | |
| Crime Scene Dusted <input type="checkbox"/> Yes <input type="checkbox"/> No | | By (Enter Results in Details) | | | | | | Crime Scene Photos <input type="checkbox"/> Yes <input type="checkbox"/> No | | By (Enter Results in Details) | | | | | | | | | | | | 20 | |
| If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted | | | | | | | | | | | | | | | | | | | | | | PERP 2 | |
| DETAILS: | | | | | | | | | | | | | | | | | | | | | | 21 | |
| INVESTIGATION: HOMICIDE | | | | | | | | | | | | | | | | | | | | | | PERP 1 | |
| SUBJECT: INTERVIEW WITH [REDACTED] | | | | | | | | | | | | | | | | | | | | | | PERP 2 | |
| 1. On this date at about 1500 hrs. the undersigned interviewed [REDACTED] at his residence. The result of this interview are as follows. | | | | | | | | | | | | | | | | | | | | | | 22 | |
| 2. He stated that he left his home located at [REDACTED] on [REDACTED] at about 8:00 P.M. He walked to [REDACTED] house located at [REDACTED] this took about five minutes. When he arrived he knocked on the basement window and Darryle Adams answered and said that [REDACTED] was not home at that time. [REDACTED] then walked to Farmers and 114 to buy cigarettes. He then seen [REDACTED] on Farmers and Murdock and had a beer and talked for about fifteen minutes. | | | | | | | | | | | | | | | | | | | | | | PERP 1 | |
| 3. At about 8:30 they both left for home. At this time [REDACTED] was alone and walked towards Mexico Street and Tioga Rd. and decided to stop at his friend [REDACTED] house [REDACTED] He stayed there for about fifteen minutes. He then left and walked back on Mexico towards Quencer Rd. to go home. Halfway between [REDACTED] on Mexico st. he seen four males including a male in a wheelchair. Two of them approached [REDACTED] while the male in the wheelchair and another male stayed at the intersection of Mexico and Quencer. The two males that walked up to [REDACTED] said "whats up" and [REDACTED] replied "whats up" Then one of the males said "what do you mean what the fucks up" and he pulled out a grey gun and put it to his head. [REDACTED] then said Im not following you Im going home I live on [REDACTED] At that time the male in the wheelchair yelled out thats not him, leave him alone. | | | | | | | | | | | | | | | | | | | | | | PERP 2 | |
| Cont' | | | | | | | | | | | | | | | | | | | | | | 24 | |
| CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | DATE REVIEWED / CLOSED | | | | | | IF ACTIVE, DATE OF NEXT REVIEW | | | | | | | | | | | | | | PERP 1 | |
| REPORTING OFFICER: | | RANK Det | | NAME PRINTED Ray Medina | | | | | | TAX REC. NO. | | COMMAND 113 SQD | | | | | | | | | | PERP 2 | |
| REVIEWING / CLOSING SUPERVISOR: | | CASE CLOSED: C | | ENTER DESIGNATION OR B | | | | | | SIGNATURE | | C.O.'s INITIALS | | | | | | | | | | PERP 2 | |
| Choice 1 | | Choice 2 | | Perp 1 | | Perp 2 | | Perp 1 | | Perp 2 | | Perp 1 | | Perp 2 | | Perp 1 | | Perp 2 | | 1A | | | |



DETAILS

4. The two males then walked away from [redacted] and met up with the other two males. At that time Darryle Adams was walking up Quencer towards Mexico street. The four males then walked up to Darryle. The male that was standing next to the wheelchair told Darryle to empty his pockets and he pulled out a gun and pointed it at him. At that time Darryle emptied only change out of his pockets onto the street. He then fell to his knees and said "please I don't have anything" The male in the wheelchair then hit Darryle over the head with a bottle, and as it broke Darryle covered his face.

5. The male that held the grey gun to [redacted] head then took out the gun again, and while Darryle was on his knees, he shot him once in the head. At that time [redacted] ran home on Mexico street and down [redacted]. He stated that when he got home he immediately called [redacted] parents and told them what happened.

6. The following are descriptions given by witness [redacted]

#6

----- Male in wheelchair- Male blk, 20s, dark skin, wearing a black leather jacket. Short neat afro.

----- The male who put grey gun to [redacted] head- Male blk, light skin, about 5-10 stocky build, mid 20s, short fade haircut, high on top shaved on sides. Goatee, three qtr. green coat.

----- Male who was standing next to wheelchair- Male blk, 5-10, mid 20s, slim, orange coat. (to far for further description.)

----- Male standing next to male who put gun to [redacted] head- Male blk, short neat afro, about 5-6, med build, clean shaven, wearing all blk.

7. Investigation to continue.

13
(B)

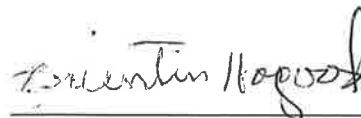
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|---|---|--|--|--------------------------------|--------------------|
| CASE <input type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | DATE REVIEWED <input checked="" type="checkbox"/> CLOSED | | IF ACTIVE, DATE OF NEXT REVIEW | |
| REPORTING OFFICER: | RANK Det, | NAME PRINTED Ray Medina | | TAX REG. NO. [redacted] | COMMAND 113 SQd |
| REVIEWING/CLOSING SUPERVISOR: | CASE CLOSED: C <input checked="" type="checkbox"/> OR B <input type="checkbox"/> | ENTER DESIGNATION [redacted] | | C.O.'s INITIALS | |

EXHIBIT M

AFFIDAVIT OF QUINTIN HAGOOD

I, Quentin Hagood, hereby swear than the following statements are true:

1. I was a witness at the murder trial of Samuel Brownridge in 1995 for the murder of Darryle "Peanut" Adams, who was shot to death on March 7, 1994.
2. About a week after the shooting, Kevin Boatwright drove me to the police to see a lineup.
3. Kevin Boatwright thought that Samuel Brownridge was the shooter, and pressured me to tell the police that he was the shooter. I knew Brownridge from High School, and knew him as "Mookie."
4. I told Kevin Boatwright that it wasn't right and I didn't want to say that Brownridge was the shooter, because I did not think he was the shooter. But Kevin had already told the police that I saw Brownridge shoot Peanut. This was a lie.
5. I also told the police that I did not think Brownridge did it. But they thought he did it, and they pressured me to identify him. They said I would go to jail if I didn't testify against Brownridge. I was young, and I was afraid to go to jail.
6. Before the lineup, the police detective showed me one single photograph. It was Samuel Brownridge. The police told me that Adams' family thought Brownridge was the shooter. The police told me that Kevin Boatwright knew Brownridge was the shooter. And the police told me I was the only one who did not think Brownridge was the shooter. The police wanted me to say he was the shooter. Kevin Boatwright wanted me to say he was the shooter. I did not think he was the shooter, but they pressured me to identify him.
7. That same day, the police made me view a lineup. Brownridge was in the lineup. They wanted me to say he was the shooter, and Boatwright wanted me to say he was the shooter. I did not think he was the shooter. But they pressured me to identify him.
8. At trial I also testified that I saw Brownridge shoot Daryl Adams. This was not true. I was afraid that if I did not testify against Brownridge, the police would send me to jail. I was pressured to testify against Brownridge by the police and the DA, who met with me a few days before the trial and also on the day I testified at trial.



QUINTIN HAGOOD

Sworn to before me this

12th day of July, 2019



Notary Public

DIANA S. UNGER
NOTARY PUBLIC, State of New York
No. 01UN4790978
Qualified in Nassau County
Commission Expires Aug. 31, 2021

DATE PRINTED: 08/19/2010 8:42:30 AM



ID NUMBER

SB14537H

CARD NUMBER

600486 8732 2145 374 69

DOB

08/21/1974

LAST NAME

HAGOODM

FIRST NAME / M.I.

QUINTIN C



Quintin Hagood

600486

ACCESS NUMBER

8732 2145 374

SEQ #

69

EXHIBIT N

STATEMENT BY [REDACTED]

on Monday March 7, 1994 at 9:00p.
I was at a friend's house on
[REDACTED] st, sitting on the
stoop. I saw perut and [REDACTED]
~~and perut~~ at the corner of
Juniper with some kids, a took
them one person pointed a gun
to [REDACTED] hand. on the left of
him was a kid in a wheelchair
then he told perut to get
down then he hit him with a bike
then his friend turned and shot
perut. that's the same man
who pointed the gun ~~to~~ [REDACTED]
then all of them ran up
Mexico st, turned ~~down~~ up
Dormans road and ran ongoing
across humes to [REDACTED]
and ran going. on March 13, 1994
sunday I approached the police.
I told them that I know one
of the men involved was
Mokey. but I did not tell them
he was the shooter because I
was afraid. but the next day
I told the police the truth.

#A

[REDACTED] March 14, 1994 after

[REDACTED]
3/14/94 4:00 HRS.

EXHIBIT O

1620H
are still received phone
call from [redacted]

[redacted] who ~~wishes~~
~~to remain~~ does not
want to get ^{involved} involved, but
was willing to follow. He
stated that he heard
from the street that the
male in the wheelchair that we
are looking for was shot in
Bradys pawn store about 5
months ago (117-42 Farmers Blvd)
and is now in a wheelchair
~~and is male who hit victim from back of people.~~
Further investigation revealed
that on 02/1/93 ^{NY 997463M 42d} Doreen Lee
of 110-41 Farmers Blvd was
shot H/O 117-42 Farmers by
Chris Miller who is now deceased

Victim of Homicide ~~C#~~ C#1009
26 lot. Det. Servano. - Said info
supplied by C# 2043/3113 lot.

Sherrel (Deard's Cousin)

Knows them all by names.

Sharyle Plouffe, Beddards



St. Catherine

Orin Haggood 8/21/74

189-45 TIoga DR (Peach
House)

next door to blk and white house
across from 2 fam brick house

EXHIBIT P

AFFIDAVIT OF ANDRE DEVIEUX

My name is Andre Devieux (DOB 9/1/65) and swear under penalty of perjury the following:

In 2008, after being employed by the U.S. Postal Service for 18 years, I retired. Due to health conditions I am presently receiving my pension from the U.S. Postal Services and Social Security Disability.

While attending Bayside High School, which I graduated in either 1981 or 1982, I met Garfield Brown, a.k.a. G. I don't remember Garfield ever attending school but we became friends by hanging out together by Farmers Boulevard, becoming members of the Farmers Boulevard Crew.

I don't recall what year Garfield Brown went to jail in California for manslaughter, but upon his release in 1992 or 1993 I gave him a job at my company, J.J. Nissen, and Garfield worked on my bread route for about four months. Upon leaving my route I was able to get Garfield a job at Key Foods which was one of the stores on my route.

I am the godfather to Garfield's son, Andre Brown. Garfield was the godfather to my daughter, Shaniece Devieux.

Sometime in March (I don't recall the year) I was home with my wife (Colette) and my daughter Shaniece when I received a phone call between 5:00 p.m. and 10:00 p.m. from Garfield. Garfield said to me that "I was bugging and not going to drink anymore." Garfield then told me that "I was with Bear and Darren Lee" and one other individual whose name I don't recall but is now deceased at this time. Garfield stated "we all got kicked out of a cab on some back street in St Albans." Darren Lee, who had been shot years before, "had to get his wheelchair from the trunk of the taxi."

Garfield continued to tell me that "as they were walking they came upon this dude." Garfield pulled out his gun and told the dude to get on his knees. While on his knees "Darren Lee hit him over his head with a bottle and then" Garfield "spoke to this dude saying are you scared, are you ready to die" and then he shot him in the head and killed him. I asked Garfield how do you know he is dead and he responded "grey shit came out of his head." Garfield then told me that they took the dude's jacket. At this time I told him to calm down and ended the call.


Garfield Brown, prior to his death, admitted to committing other crimes to me.

I came forward after all these years because nobody ever asked me before. However, on September 11, 2016 I had a telephone conversation with my close friend Lawton Brown, who is a correction officer at Sing Sing Correctional Facility and the brother of Garfield Brown. Lawton told me that he was visited by Private Investigator Jay Salpeter and was advised by him that Jay Salpeter was investigating the case and it was decided that it would be the right thing to do to speak with Mr. Salpeter and try to help the wrong man who is jail for the killing.

On September 13, 2016 Jay Salpeter and I arranged a meeting at Mr. Salpeter's office, which took place on September 14, 2016.

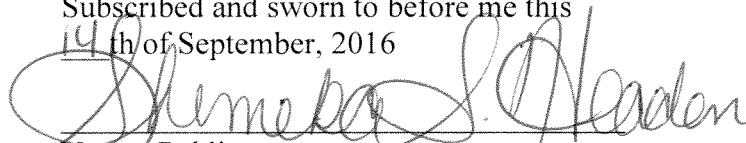
I have given this statement voluntarily; no one has made any promises or made any threats to induce me to make this statement, which I am giving of my own free will.

I have read this statement and had it read to me paragraph by paragraph. I understand that any false statement I make in this statement would constitute a crime.



ANDRE DEVIEUX

Subscribed and sworn to before me this
14th of September, 2016



Notary Public

SHEMEKA S. HEADEN
NOTARY PUBLIC, State of New York
No. 01HE6329481
Qualified in Nassau County
Commission Expires Aug. 24, 2019

EXHIBIT Q

AFFIDAVIT OF JAMES GOODWIN

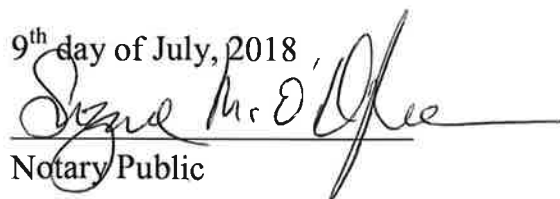
My name is James Goodwin and I swear under penalty of perjury the following:

1. In March, 1994, I was in my parked Jeep, with Michael Saxton on the passenger side, when Mark "Bear" Taylor approached my car and got in the back seat.
2. It was at that time that Mark Taylor stated "Garfield did it." He then said Garfield "shot that guy for nothing."
3. Mark Taylor continued "I don't know why G did this. I'm not going down for it. He shot this guy for nothing."
4. When he referred to "Garfield" and "G", I understood him to mean Garfield Brown. I knew Garfield Brown from the neighborhood. Samuel Brownridge and Garfield Brown look alike. I knew Samuel "Mook" Brownridge from the neighborhood.
5. I am giving this statement because I know Samuel Brownridge is innocent and did not cause the murder that he was charged and convicted of.
6. I have given this statement voluntarily; no one has made any promises or made any threats to induce me to make this statement, which I am giving of my own free will because it is the truth and what happened. I have read it and had it read to me paragraph by paragraph. It is the truth.


JAMES GOODWIN

Sworn to before me this

9th day of July, 2018


Notary Public

SUZANNE M. O'DONOGHUE
NOTARY PUBLIC, State of New York
No. 01OD6289480
Qualified in Suffolk County
Commission Expires Sept. 30, 2021

EXHIBIT R

AFFIDAVIT OF MICHAEL SAXTON

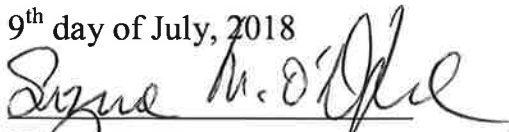
My name is Michael Saxton and I swear under penalty of perjury the following:

1. On March 7, 1994, I was in the front passenger seat of James Goodwin's Jeep, when Mark "Bear" Taylor jumped in the back seat.
2. Mark Taylor told me and James Goodwin that Garfield had just shot a guy for no reason.
3. I asked Mark Taylor what was he talking about and Mark replied "I don't know why Garfield did this bullshit. I'm not going down for what he did. He shot this guy for nothing." After saying this Mark Taylor left the vehicle and James Goodwin drove off.
4. When I referred to "Garfield" and understood him to mean Garfield Brown. I knew Garfield Brown from my neighborhood. We grew up together in Saint Albans, in Queens, NY. Garfield Brown was known to the neighborhood as violent individual.
5. Earlier that day I saw Garfield Brown, Mark Taylor, Dean Hoskins and Darren Lee together on Farmers Boulevard. We spoke briefly and went our separate ways.
6. I know Samuel Brownridge from High School. We are very good friends.
7. Mark Taylor, Dean Hoskins, and Darren Lee all told me, on separate occasions, that Garfield Brown shot the deceased for no reason.
8. I am giving this statement voluntarily because I know Samuel Brownridge is innocent and that Garfield Brown shot the deceased on March 7, 1994.
9. No one has made any promises or made any threats to induce me to make this statement. I have read it and had it read to me paragraph by paragraph. It is the truth.


MICHAEL SAXTON

Sworn to before me this

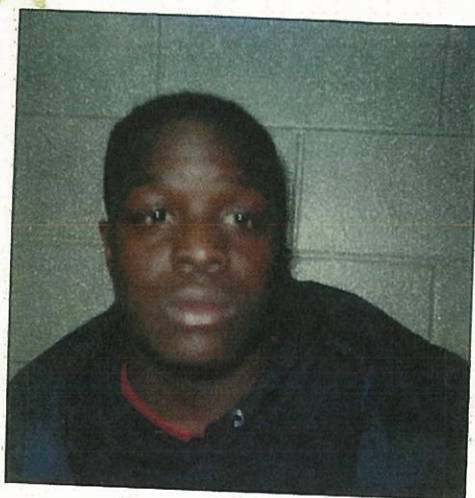
9th day of July, 2018


Notary Public

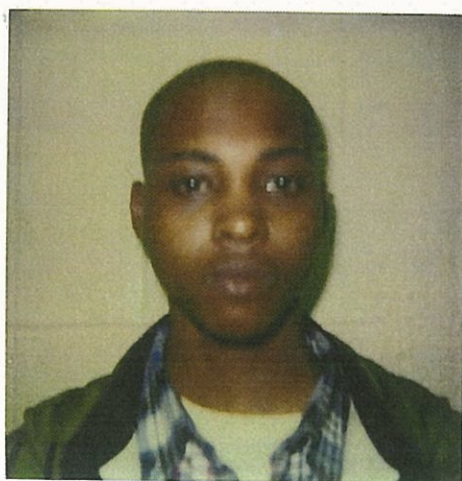
SUZANNE M. O'DONOGHUE
NOTARY PUBLIC, State of New York
No. 01OD6289480
Qualified in Suffolk County
Commission Expires Sept. 30, 2021

EXHIBIT S

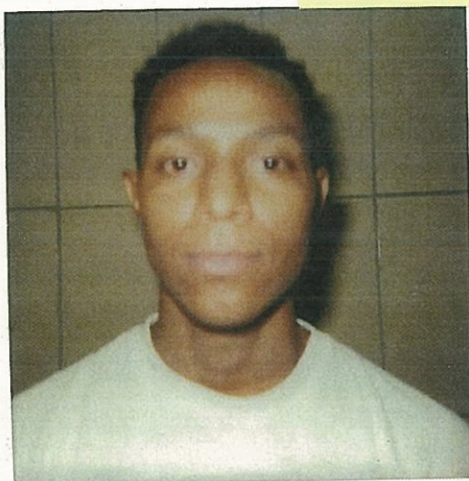
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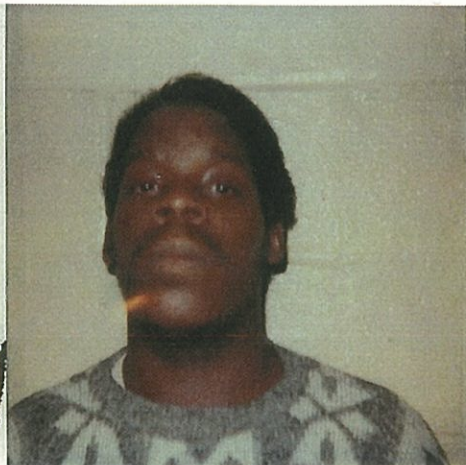


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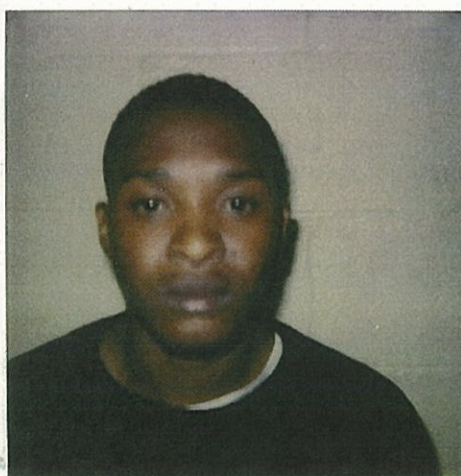
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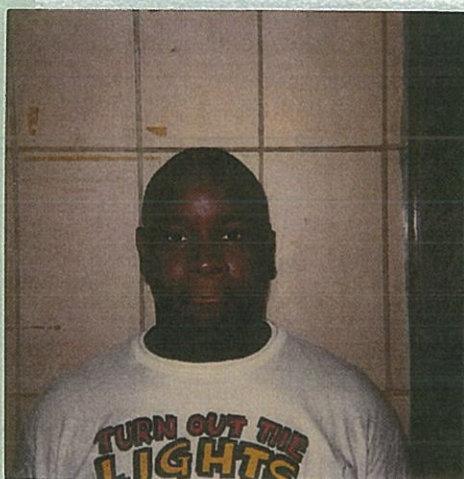


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PHOTO DISPLAY 5 -



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EXHIBIT T



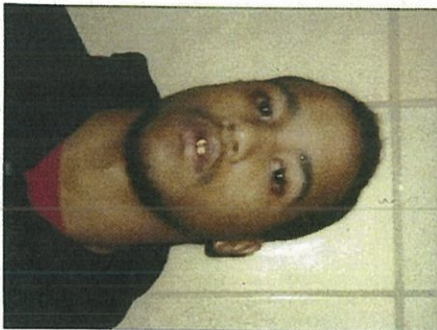
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PD 273-090 (Rev. 1-89) 3



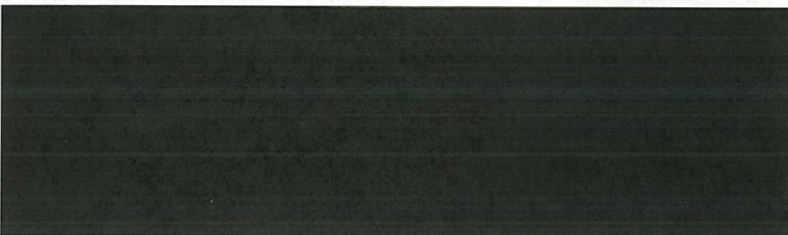
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2



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6