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*****FOR IMMEDIATE RELEASE*****

***LEGAL AID STATEMENT ON DECISION BY QUEENS
JUDGE ORDERING A FALL HEARING IN CONNECTION
WITH EXONERATING DNA EVIDENCE UNDERMINING
1993 MURDER CONVICTION***

(NEW YORK, NY) – **The Legal Aid Society** released the following statement today regarding the case of Michael Robinson, a client who has served 26 years of incarceration for a [1993 murder conviction](#), in which New York State Supreme Court Justice Stephen Knopf this morning ordered a hearing to assess the impact of newly discovered DNA evidence that appears to exonerate Mr. Robinson:

“The record in this case – the case-altering, exonerating DNA evidence, the unreliability of the sole identifying witness, and Mr. Robinson’s compelling alibi – entirely undermines the foundation of the original 1993 conviction,” said **Harold Ferguson, Staff Attorney with the Criminal Appeals Bureau at The Legal Aid Society**. “While we wish that the Court had granted our vacatur motion outright this morning, we are looking forward to a hearing that we believe will show beyond doubt that Mr. Robinson is completely innocent of this crime.”

Background:

At the 1993 trial, Mr. Robinson was charged with murdering his estranged wife, Gwendolyn Samuels, at the home of Alveina Marchon, where Samuels worked as a home health aide. Defense attorneys for Mr. Robinson argued that Samuels’ then-boyfriend had murdered and stabbed Samuels.

At the trial, the Queens District Attorney’s Office relied on the testimony of two witnesses: Alveina Marchon, then 89 years old, who had significant vision problems and gave inconsistent accounts of the incident; and New York City Police Department Officer Richard Saronka, who found Samuels’ body

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upstairs in the Marchon house. Saronka testified at trial that Marchon informed him that the killer was a tall black man.

During the lineup identification process, Marchon did not immediately identify Mr. Robinson. Also, the NYPD acknowledged that only one lineup filler was roughly around the same age as the Mr. Robinson. Four of the lineup fillers were considerably older. Moreover, Gwendolyn Samuels' father Melvin Samuels, knew both Michael Robinson and Samuels' then-boyfriend and described the former as being broad and stout and the latter as a tall, thin black man.

Despite an alibi defense presented through a number of family members; testimony about Samuels' abusive relationship with her then-boyfriend; and conflicting testimony from Marchon about her relationship with Michael Robinson, a jury convicted him of second degree murder.

On appeal and in post-conviction proceedings, Mr. Robinson filed various motions for relief in Federal and State court. Those motions were denied. He also paid for, took, and passed a polygraph examination concerning his involvement in the case.

In October, 2013, Mr. Robinson, acting pro se, sought post-conviction DNA testing of two blood samples recovered from the crime scene and the blood stains found on Gwendolyn Samuels' sweater. The court rejected the motion without a hearing. On appeal, Legal Aid, now representing Mr. Robinson, persuaded the Appellate Division, Second Department that this ruling was error. The appellate court sent the case back to trial court "for further proceedings to ascertain whether the subject DNA evidence exists and, if it does, for forensic DNA testing of that evidence."

After a series of hearings on the existence, location, contamination and testability of evidence in question, it was determined that the New York City Office of the Chief Medical Examiner (OCME) was in possession of the materials being sought by The Legal Aid Society. OCME subsequently conducted the requested testing, comparison, and analysis.

OCME did not find any male DNA on the sweater and other clothing items submitted, but did find testable genetic material under the fingernail of Gwendolyn Samuels. OCME released this raw data and The Legal Aid Society contracted with Cybergenetics – a renowned and well-respected bio-information company – that concluded that a match between Mr. Robinson and the DNA sample found under the victim's fingernail was "78.1 trillion times less probable than a coincidental match to an unrelated African-American person," a result that should completely exonerate Mr. Robinson.

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