



October 28, 2019

Contact:

Redmond Haskins
The Legal Aid Society
rhaskins@legal-aid.org
(929) 441-2384

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

***AFTER OCME DNA TEST COMPLETELY EXONERATES CLIENT
– MICHAEL ROBINSON – WHO SERVED 26 YEARS IN PRISON,
LEGAL AID DEMANDS THAT QUEENS DISTRICT ATTORNEY’S
OFFICE CONSENT TO VACATUR***

(QUEENS, NY) – **The Legal Aid Society** called on the Queens District Attorney’s Office to immediately consent to a recently filed vacatur motion regarding the case of Michael Robinson – a Legal Aid client who served 26 years of incarceration for a [1993 murder conviction](#) – after the New York City Office of the Chief Medical Examiner (OCME) generated new a DNA result excluding Mr. Robinson as the source of the male DNA found under the fingernails of the decedent, Gwendolyn Samuels. This result differs from OCME’s initial result of “inconclusive,” which was based on an incomplete DNA profile from the decedent. After Legal Aid discovered and raised this with the court, OCME agreed to run a second test addresses their omissions.

The new OCME results are consistent with the exclusionary results that LAS had first offered from Cybergenetics, which revealed that a match between the fingernail evidence and Mr. Robinson is “78.1 trillion times less probable than a coincidental match to an unrelated African-American person.”

The Queens County District Attorney’s Office even agreed to stipulate that Mr. Robinson is excluded as the male DNA donor under Samuels’ fingernails, yet still refuse to vacate the conviction. Samuels’ was killed during a violent stabbing in a Queens apartment by a male perpetrator. The jury that convicted Mr. Robinson in 1993 did not hear that Mr. Robinson was excluded from the DNA under Samuels’ fingernails. Mr. Robinson’s current motion asks for a new trial where a jury can consider the DNA evidence.

“As we have maintained since day one, Mr. Robinson is completely innocent of this crime, and in the interest of justice, prosecutors owe it to Mr. Robinson to vacate this conviction,” said **Harold Ferguson, Staff Attorney with the Criminal Appeals Bureau at The Legal Aid Society**. “Mr. Robinson spent 26 years incarcerated for a crime that he did not commit. These results – from the City’s own medical lab – fully exculpate our client.”

Case 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 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 Cybergeneics – 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.

This past July, New York State Supreme Court Justice Stephen Knopf ordered a hearing to assess the impact of newly discovered DNA evidence. This case is currently adjourned to November 18, 2019.

Photo:

Front Row L – R: Harold Ferguson, Staff Attorney with the Criminal Appeals Bureau and Michael Robinson.

Back Row L – R: Terri Rosenblatt, Supervising Attorney of the DNA Unit; Jessica Goldthwaite, Staff Attorney with the DNA Unit; Jenny Cheung, Staff Attorney with the DNA Unit.

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>