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

***Legal Aid Secures Retrial From NYS Appellate Division For Client,  
Brian Mitchell, Based On Trial Court's Interference***

(NEW YORK, NY) – **The Legal Aid Society** announced today that attorneys secured a new trial for our client, Brian Mitchell from the New York State Appellate Division, Second Department. The appellate court ruled that the trial judge's biased and excessive interference with the questioning of two key witnesses denied Mr. Mitchell a fair trial.

The charges arose out of a robbery at a Queens nail salon. Although the robber was described as 5' 3'' tall and between 30 and 40 years old and was seen fleeing south from the nail salon, Mr. Mitchell, who was 57 years old and 5' 7'', was apprehended north of the salon. At trial, the prosecution's two eye witnesses were unable to positively identify Mr. Mitchell when questioned by the prosecutor. The judge, however, proceeded to take over questioning and transformed the witnessess' testimony into positive identifications.

"This case involved troubling identification evidence, and the judge's interference prevented the jury from evaluating the grave weaknesses in the prosecution's case," said **Denise Fabiano with the Criminal Appeals Bureau at The Legal Aid Society**. "When a judge oversteps and assumes a prosecutorial role, it grossly distorts the fairness of our judicial process. We are grateful that the Second Department recognized this fundamental unfairness and ruled to rectify this miscarriage of justice."

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*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. [www.legalaidnyc.org](http://www.legalaidnyc.org)*