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March 23, 2023

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## ***Legal Aid Secures Ruling Overturning Murder Conviction of Michael Robinson, Client Who Wrongfully Served 26 Years in Prison***

(NEW YORK, NY) – The Legal Aid Society secured a [ruling](#) from the New York State Appellate Division, Second Judicial Department overturning the 1993 murder conviction of [Michael Robinson](#), a Legal Aid client who was incarcerated for 26 years based on the now-reversed conviction. The ruling, based upon newly discovered evidence that could have altered the outcome of the case, orders a new trial for Mr. Robinson in Queens County Supreme Court.

“We never wavered in our belief that Mr. Robinson was innocent and had been unjustly convicted,” said **Harold Ferguson, staff attorney with the Criminal Appeals Bureau at The Legal Aid Society**. “After 26 years of incarceration, and seven long years of litigation, the Appellate Division rendered a decision that affords Mr. Robinson the justice that he has long sought. We will continue to represent Mr. Robinson on this matter to secure him the closure and outcome that he deserves.”

### **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 88 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 the same age as Mr. Robinson and 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, representing Mr. Robinson, persuaded the Appellate Division, Second Department that this ruling was an 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 have exonerated Mr. Robinson. The Legal Aid Society asked the OCME to do additional analysis of the fingernail samples using more data. [The OCME's re-analysis corroborated that Michael Robinson was not a contributor of the male DNA.](#)

However, the lower court denied Legal Aid's [vacatur motion](#), and this ruling was appealed to the New York State Appellate Division, Second Judicial Department. Today, that Court overturned the conviction and ordered a new trial.

### **Excerpt from the ruling:**

*"Here, the defense theory at trial was one of mistaken identity. The defendant posited that the perpetrator was actually Samuels's boyfriend, Jermaine Robinson. No physical evidence linked the defendant to the crime. The only identity evidence offered by the People at trial was the testimony of a single eyewitness, Marchon, who was 88 years old at the time of the incident and suffered from significantly impaired vision.*

*Marchon's description to the police of the perpetrator's appearance was not conclusive and was, in part, more consistent with Jermaine Robinson's appearance. Under the facts of the case, it would not have been unreasonable to conclude that Marchon confused Samuels's estranged husband with her current boyfriend in making her identification to the police. Marchon also was not able to conclusively identify the defendant at trial. Moreover, various members of the defendant's family provided alibi evidence for his whereabouts on the day of the attack. Finally, two Allen charges (see *Allen v United States*, 164 US 492) were required before the jury was able to reach a verdict."*

*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 145 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)*