

November 27, 2023

Contact:

Redmond Haskins  
Director of Media Relations  
The Legal Aid Society  
929.441.2384  
[rhaskins@legal-aid.org](mailto:rhaskins@legal-aid.org)

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

## ***Legal Aid Secures Exoneration for Wayne Gardine, Who Served 29 Years of Incarceration for a 1996 Murder Conviction***

### ***Attorneys Call on ICE to Immediately Release Gardine and Terminate Deportation Proceedings***

(NEW YORK, NY) - **The Legal Aid Society** today announced the exoneration of Wayne Gardine, a Legal Aid client who has been unjustly incarcerated for 29 years - which includes pretrial detention, a prison sentence and ICE detention - after he was wrongly convicted of murder in 1996 after a shooting in Harlem two years prior. Gardine is an innocent man and has maintained his innocence from the time of his arrest at 20 years old through the entirety of his prison sentence, after being denied parole four times.

After his release from Fishkill Correctional Facility, 49-year-old Gardine was transferred to U.S. Immigration and Customs Enforcement (ICE) custody, and is facing deportation to Jamaica.

“I want to thank the whole team at Legal Aid. I also want to thank Alvin Bragg, Terri Rosenblatt, Jenna Dunton, and Daniel Altabet for their honest investigation, their respect for the truth, and for how quickly they worked on my case,” said **Wayne Gardine**. “I also want to thank my mom for being there all these years, and I want to thank myself for never giving up. I'm happy that the justice system finally worked.”

“We are elated that Mr. Gardine will finally have his name cleared of this conviction that has haunted him for nearly three decades, yet he is still not a free man and faces additional and unwarranted punishment if deported,” said **Lou Fox, Mr. Gardine’s attorney with the Wrongful Conviction Unit at The Legal Aid Society**. “We thank New York County District Attorney Alvin Bragg for joining us on this motion, and we call on ICE to immediately release our client so he can return to his family and community, and to drop deportation proceedings.”

“Every time I think of Wayne, I’m brought to tears. He lost nearly three decades of his life for a crime that he didn’t commit. ICE can end this nightmare now by immediately freeing my son,” said **Grace Davis, Wayne Gardine’s mother**. “I want to thank Wayne’s legal team at Legal Aid for not giving up on him, and District Attorney Alvin Bragg’s office for doing right by my son.”

“Wayne Gardine was just 22 years-old when he was sentenced to decades in prison following a trial that we now believe relied on an unreliable witness and testimony – losing years of freedom due to an unjust conviction,” said **District Attorney Alvin Bragg**. “Unjust convictions are the height of injustice and while we can never completely undo the pain he has experienced, I hope this is the first step in allowing Mr. Gardine to rebuild his life and reunite with his loved ones. I thank the Legal Aid Society for its outstanding collaboration in this matter.”

Gardine’s vacatur was granted primarily because his conviction was based on the word of a single eyewitness. Another witness who did not testify at trial recently revealed in a detailed affidavit that he vehemently rebuts the account of the eyewitness who testified, stating that while they both were on the street when the shooting took place, they were too far away to see or hear the shooter. He also revealed that both eyewitnesses deliberately pinned the shooting on Gardine to please their drug boss, who was friends with the victim, and to avoid being forced to retaliate for this murder.

Vacatur motion: <https://tinyurl.com/yc7e38rb>.

### **BACKGROUND:**

Legal Aid’s Wrongful Conviction Unit (WCU) began investigating Gardine’s case in the spring of 2022 and was later joined by the Manhattan District Attorney Alvin Bragg’s Post Conviction Justice Unit (PCJU) in December of 2022.

The joint investigation revealed various issues in Gardine’s case, which was built entirely on a lie concocted by two teenagers and then relied upon by detectives more concerned with making an arrest than ensuring the reliability of the allegations.

Only one of those teenagers testified at trial, changing his story several times between the incident and trial. That witness was on felony probation for possession with intent to distribute crack cocaine and an unindicted co-conspirator in a federal indictment, the latter of which was not disclosed to defense counsel. The other teenager, never testified, and now vehemently rebuts his acquaintance’s account, stating that while they both were on the street when the shooting took place, they were too far away to see or hear the shooter.

With no physical evidence linking Gardine to the shooting and no confession, the jury only heard from that one witness, a local drug dealer who had a pattern of offering up information to law enforcement to curry favor for himself when he was facing criminal charges, and of misrepresenting hearsay as first-hand information.

After reviewing police reports from this case, the lead detective, now retired, no longer stands by his work on this case. The detective explained that in 1994 he was a brand-new homicide detective and new to the 30<sup>th</sup> Precinct. As a result, he stated that much of the investigation into the murder was orchestrated by his then-supervisor, Detective Willie Parson. According to this Detective, Parson steered him through his network of informants for this investigation and discouraged him from investigating Gardine’s alibi and other leads, including an alternate suspect.

In the early ’90s, an investigation of the 30<sup>th</sup> Precinct by the independent Mollen Commission exposed the largest police corruption scandal in New York City history and earned the precinct the ignoble nickname the “Dirty 30”. Over two years, the Commission found evidence of officers from the “Three-O” robbing and extorting protection money from drug dealers, and trafficking drugs themselves. The scandal led to the vacatur of 125 convictions, and the dismissal of charges against nearly 100 defendants.

Detective Parson escaped scrutiny in that probe, which ultimately prompted the arrest of over 30 patrol officers. But in 2000 Parson was arrested on federal narcotics trafficking charges, accused of transporting, and selling drugs while still working as an NYPD detective. Parson ultimately pleaded guilty to drug distribution conspiracy and served eight years in federal prison.

###

*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. <https://www.legalaidnyc.org>*