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*****MEDIA ADVISORY*****

Legal Aid, DA Gonzalez Move to Vacate Wrongful Conviction Against Brian Kendall, Client Who Served 16 Years of Incarceration for a 1988 First-Degree Manslaughter Conviction

Mr. Kendall Lost Nearly Two Decades to a Wrongful Conviction and Was Deported After Serving His Sentence for a Crime He Did Not Commit

(BROOKLYN, NY) - The Legal Aid Society and Brooklyn District Attorney Eric Gonzalez will file a joint motion to vacate the conviction of Brian Kendall, who was wrongly convicted of first-degree manslaughter in 1988, later today in Brooklyn at 10:15 AM.

At the time of the incident, Mr. Kendall was a 17-year-old resident of Flatbush, Brooklyn. He was convicted in connection with the February 24, 1987, killing of Raphael Reyes, a game room employee who was shot while working at a store on Cortelyou Road, just around the corner from Brian's home.

Brian was in the store with his younger brother and several friends when the homicide occurred. After witnessing the attack, the group chased the assailant down the street and flagged down a passing police car.

Later, however, two witnesses came forward with severely flawed claims that Brian was the shooter. Facing a potential life sentence, Brian pled guilty to first-degree manslaughter and served 16 years in prison before being released.

When: Tuesday, July 1, 2025, at 10:15 AM

Where: 320 Jay Street, 15th Floor, Brooklyn – Courtroom of Hon. Matthew D'Emic

Who: Brian Kendall, attorneys from The Legal Aid Society, and Julio Cuevas of the Brooklyn DA's Conviction Review Unit.

Note: Brian Kendall will appear virtually for the vacatur and his counsel, David Crow at Legal Aid, is available for comment following the hearing.

"I was just a teenager when my life was taken from me for something I didn't do. For years, I carried the weight of a conviction that never should have happened. Today's action doesn't erase the pain or the time I lost, but it does give me hope. I'm deeply grateful to The Legal Aid Society and District Attorney Gonzalez for finally uncovering the truth and helping me clear my name. I only wish my mother and father were alive to see this day," said **Brian Kendall**.

“Brian Kendall’s case is a stark reminder of the devastating consequences of a system that too often fails young people of color. Despite clear evidence pointing to his innocence, Brian was forced to plead guilty under the weight of a broken process,” said **David Crow, Associate Appellate Counsel and Director of Pro Bono for Criminal Appeals at The Legal Aid Society**. “We’re proud to have partnered with the Kings County District Attorney’s Office to finally right this wrong. While nothing can return the years Brian lost, today’s outcome affirms a deeper truth: wrongful convictions can and must be corrected.”

Brooklyn District Attorney Eric Gonzalez said, “Our system failed Brian Kendall when he was encouraged to plead guilty to a horrific crime without a full understanding of the evidence against him. Our investigation found that eyewitnesses corroborated his long-held account of events, critical evidence was not disclosed, and because we conclude he is likely innocent, we cannot stand by this conviction. This case highlights our deep commitment to correct the mistakes of the past, and I am grateful to the Legal Aid Society for their strong advocacy during this process.”

Background

An eyewitness at the scene told police that the assailant was a short, middle-aged man wearing an overcoat, which did not match Brian Kendall’s appearance. Other witnesses spoke of an ongoing feud between the store’s owner and a local man in the days before the killing. Yet, for reasons that remain unclear, within hours of the homicide, another local man known to be struggling with substance use appeared at the police station and claimed that he had been in the store all day and had seen two teenagers – whose names he did not know - argue with the store employee, after which the older teenager shot Reyes.

Two days later, a 13-year-old living in a group home said that he also had been in the store at the time of the shooting and knew the shooter as “Brian.”

Based on these statements, police obtained a photograph of Brian Kendall and showed it to the first informant, who identified Brian as the shooter. That identification led to Brian’s arrest and subsequent charge for the murder of Raphael Reyes.

Brian and his defense attorney, Howard Dusenberry, produced multiple witnesses who confirmed that they were either with Brian at the time of the shooting or saw him on the street shortly afterward. Despite this, under the evidence sharing rules of the time, which highly restricted the defense’s access to critical discovery in the prosecution’s case, Brian’s lawyer advised him that he stood little chance of winning at trial. Faced with the risk of a harsher sentence if convicted, Brian reluctantly agreed to plead guilty to first-degree manslaughter in exchange for a promised sentence of 8½ to 25 years in prison.

Brian served 16 years in prison before being released, then was deported to Guyana, which his family had left when Brian was 11. He has worked to make a life for himself in Guyana as a skilled tradesman.

In 2019, Brian requested that the Kings County District Attorney’s Conviction Review Unit (CRU) reexamine his conviction. In 2024, the Legal Aid Society’s Wrongful Conviction Unit agreed to represent him.

The CRU’s investigation included reviewing the original 911 recordings, which strongly corroborated the claims of Brian and his friends. A police officer stated that he recalled seeing Brian on the street after the shooting, again corroborating the defense. The CRU also concluded that the evidence pointed to the local man, previously involved in a dispute with the store’s owner, as the likely instigator of the homicide.

Based on its investigation, the CRU recommended that Brian’s conviction be vacated, and the indictment dismissed.

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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