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

## ***Legal Aid Society Secures Dismissal of Murder Charges Against Derrick Ulett***

*Dismissal follows findings that prosecutors withheld critical surveillance footage and relied on deeply flawed evidence, undermining the integrity of the conviction*

(BROOKLYN, NY) — **The Legal Aid Society** secured the dismissal of the murder charge against Derrick Ulett, bringing an end to a 17-year prosecution. The result followed six years of renewed investigation and litigation that revealed prosecutors had withheld key evidence and ultimately led to a reversal by the New York Court of Appeals.

“I never stopped believing the truth would come out,” said **Derrick Ulett**. “I lost 11 years of my life, but today I can finally begin to move forward. I’m grateful to my family and to my legal team for never giving up on me.”

“The dismissal of this case is the direct result of years of relentless advocacy and investigation that exposed a prosecution built on withheld evidence and unreliable proof,” said **Erin Darcy, Supervising Attorney with the Homicide Defense Task Force at The Legal Aid Society**. “No one should lose more than a decade of their life because the government failed to meet its most basic obligations. While nothing can restore the years Derrick lost, we hope today’s outcome provides him with the closure he needs to move forward.”

### **Background**

Derrick Ulett was convicted of murder in connection with a 2008 shooting and sentenced to life in prison. Through the tireless efforts of Appellate Advocates, it was later discovered that prosecutors had withheld key evidence, leading to the reversal of his conviction. At the initial trial, the prosecution concealed surveillance footage of the shooting, and not only failed to disclose this critical evidence, but affirmatively told the jury that no such video existed, suggesting that defense counsel was asking jurors to speculate about evidence that was not real.

During summation, the prosecution stated:

*“Where is that video surveillance? Wouldn't you think, ladies and gentlemen, that if there was video camera surveillance at 48 St. Paul's Place, that would be very important, that possibly could show what it was that took place; don't you think it would have shown who actually shot [the victim]? We don't have that video!”*

The video did, in fact, exist and was ultimately discovered within the prosecution’s own files through a FOIL request and the persistence of a dedicated team of appellate attorneys. After years of litigation and multiple vacatur proceedings, the New York Court of Appeals reversed Mr. Ulett’s conviction and ordered a new trial.

The Legal Aid Society's Homicide Defense Task Force assumed representation of Mr. Ulett in 2019. After four bail applications, his release was successfully secured.

Further investigation by Legal Aid revealed additional alarming flaws in the prosecution's case. A defense expert discovered that the prosecution's pathologist relied on autopsy photographs from an entirely different decedent. Recordings of 911 calls described a shooter whose appearance did not match Mr. Ulett. One eyewitness repeatedly informed prosecutors that he did not wish to cooperate and reported being threatened with a material witness order, while the second eyewitness had died — information the defense, not the prosecution, brought to the court's attention. Despite the prior withholding of key evidence, prosecutors sought to rely on testimony from the original trial.

Mr. Ulett is a resilient individual — a devoted father, husband, and son, and a hardworking member of his community. After enduring 11 years of incarceration, he has steadfastly maintained his innocence and remained committed to reclaiming his freedom. With the dismissal of the charges, Mr. Ulett is focused on closing this chapter of his life and moving forward. The Legal Aid Society and its Homicide Defense Task Force remain committed to correcting the injustice he endured and supporting his path ahead.

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*The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 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 the people we serve [www.legalaidnyc.org](http://www.legalaidnyc.org)*