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Despite Eyewitness Recantations and the Confession of Another Individual, Manhattan District Attorney Cy Vance Rejects Innocence Plea of Jon Adrian Velazquez in 1998 Harlem Murder

(New York, NY – Thursday, April 4, 2013) Jon-Adrian Velazquez, serving a life sentence for a murder he did not commit, will remain imprisoned after the DA refused to recommend his conviction be overturned. In addition to recanting witnesses and the identification of an individual who has confessed to others that he killed the victim Albert Ward, a retired police officer who ran a numbers parlor in Harlem, the DA has confirmed that there was no DNA or forensic evidence tying Velazquez to the crime, and no evidence tying him to a “so-called” co-defendant.

Attorneys Robert Gottlieb and Celia Gordon, representing Jon Adrian, had presented new evidence to the Manhattan DA’s office 18 months ago, soon after the Conviction Integrity unit was established. They were assured of a transparent and comprehensive reinvestigation of the case. That assurance proved to be nothing more than an empty promise.

Robert Gottlieb and Celia Gordon have released the following statement:

“We received a 16- page rejection which was nothing more than a rehash of the case and a confirmation that the Manhattan District Attorney’s 18 month reinvestigation was a farce; a sad joke. We brought them recanting witnesses, including Augustus Brown, the first person to select Jon-Adrian’s photo at the police CATCH Unit, which then resulted in Jon-Adrian being placed in a line-up and subsequently misidentified. Even though the DA admits that Augustus Brown firmly stands by his recantation, it was apparently not enough for them to question the wrongful conviction.

More shocking was the Conviction Integrity Unit’s complete failure to adequately follow up with a witnesses who identified an individual who confessed to this person that he was the real killer. At the time of the murder, a man known in Harlem as “Moustapha” was identified by some in the community as the killer. Recently, we received unsolicited information from a person who stated that an individual named Moustapha had confessed that he committed the murder and that another man was ‘doing [his] time.’ We presented this information to the DA, but they refused to send an investigator to meet with the

witness. We then immediately made arrangements to meet with the witness ourselves and found the witness to be credible.

It was only upon our insistence that the DA finally agreed to speak to the witness, and a second witness who we located, but only if the interviews were conducted in Manhattan at the DA's offices. We were present during one of the interviews and were appalled by the manner in which ADA and investigators treated this person. The entire tone of the interview was accusatory and focused only on discrediting the witness rather than ascertaining the truth. The witnesses repeatedly expressed to us that they felt attacked and intimidated by the DA's office during their in person meeting and in subsequent telephone conversations and, consequently, retained their own attorney, Ronald Kuby. Appallingly, after being informed by Mr. Kuby that he was representing these witnesses and that all further communication must be through him, the DA investigator contacted one of the witnesses and questioned her about her decision to retain an attorney. The conduct and behavior of the DA's office in this case has been deplorable.

It became apparent over the past year and a half that the Conviction Integrity Unit of the Manhattan DA's Office did not, in fact, give a fresh look at these strong claims, but instead focused solely on an effort to protect a wrongful conviction.

We turned over all of our evidence, documents and investigative product to the DA's office, including polygraph results that confirmed that Jon-Adrian was not the killer and was on the phone with his mother at the time of the murder, just as he had testified at trial. We even requested that they meet with Jon-Adrian himself and he was brought from Sing Sing to the Manhattan DA's office where he was interviewed by members of the DA's office for over four hours. We shared every piece of information within our control and possession. The DA's office, on the other hand, repeatedly refused to provide us with any meaningful information regarding their alleged independent re-investigation of this case. It is now clear that the reason for that is that no such independent re-investigation was occurring. The handling of this case by the Manhattan District Attorney's Conviction Integrity Unit has been contrary to any genuine pursuit for truth and justice.

Although the Manhattan DA has decided to walk away from this innocent man who has been wrongfully convicted and incarcerated for more than fourteen years, we will not. We intend to file a 440 motion with the New York State Supreme Court seeking a new trial for Jon-Adrian Velazquez and we will not stop fighting until he is freed."

For more information on the case, see www.freejonadrianvelazquez.org.