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STATEMENT BY DISTRICT ATTORNEY MELINDA KATZ

Today, in court, this Office joined in a motion to vacate two significant convictions from over twenty years ago. This decision is based on clear evidence of unconstitutional discrimination in jury selection. Specifically, a set of notes found in the trial files of a single ADA, who resigned from the office in the late 1990s, contain a detailed outline for the selection of jurors that heavily favors white men, discourages the selection of women, and excludes entirely certain ethnic and religious groups and minorities from jury service. There is also persuasive evidence that the intolerable biases laid bare by these notes were actually used in the selection of the juries in these cases.

The necessity for the actions we take today is clear. We cannot in good conscience stand behind convictions where the selection of the jury is tainted to any degree by discrimination based on race, sex, religion, ethnicity or national origin. If left unaddressed, such discrimination would erode public confidence in our justice system at a time when that confidence is lower than ever before. And it is only by acknowledging this discriminatory practice that we honor the hard work of our dedicated lawyers and staff today who strive to treat all people in our community with dignity and fairness—no matter who they are or where they are from.

We, as an Office, are and will remain committed to eradicating all forms of bias in the criminal justice system. Beyond these two cases, we are reviewing all cases tried by this former ADA to a guilty verdict (ten in total) and have conducted an audit of the bureaus in which this ADA worked at the time. In a review of over fifty trial files of these bureaus from the 1990s, we have not found similar evidence of discrimination. We have trained and will continue to train on subtle forms of implicit bias so that they may play no part in any aspect of our work or the work of others in the criminal justice system that affects the lives of so many.

We are also committed to ensuring that those who commit heinous crimes do not escape the consequences of their actions. For this reason, we have asked that the defendants in these murder and attempted murder cases be held in a pre-trial posture without bail. No infirmity in the evidence at trial has been discovered and the crimes committed unquestionably continue to warrant vigorous prosecution. But we will go forward with these cases fairly, justly, with no hint of bias or discrimination of any kind. We will do what should have been done long ago, and we will do it right.

Everyone accused of a crime is entitled to due process and all citizens of Queens County have an equal right and responsibility to jury service. Our exercise of discretion in selecting jurors must focus on each individual as a human being, and not stereotypes based on gender, race, ethnicity, or religion. This shameful conduct from more than two decades ago does not reflect our values. This is not who we are. I am proud that our actions today demonstrate our collective commitment to stamp out hateful biases of the past and renew our promise to allow all people to meaningfully participate in the criminal justice system.

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