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**AFTER EXHAUSTIVE INVESTIGATIONS,**  
**DA KATZ CONSENTS TO VACATING WRONGFUL CONVICTIONS**

Queens County District Attorney Melinda Katz today filed motions with defense attorneys to vacate two wrongful convictions.

In both cases, new evidence came to light:

- In *Capers*, the physical evidence indicated one gun was fired and eyewitness testimony singles out Kevin McClinton as the lone shooter. McClinton, who is solely culpable for the crime, is currently serving 25 years to life in prison. The prosecution's only eyewitness at Capers's trial recanted his identification of Capers as the shooter. The recantation is corroborated by contemporaneous recorded phone calls in which the eyewitness admits he lied.
- In *Williams*, there is newly obtained cell site location information that places Williams 10 miles away from the crime scene, contradicting the single witness who identified Williams as participating in the robbery.

District Attorney Katz said: "For there to be justice in the criminal justice system, and public faith in its outcomes, it is incumbent upon us as prosecutors to follow the facts to wherever they lead. Presented with credible new evidence that undermined the integrity of the convictions against these men, we could not let miscarriages of justice stand. In the case of the murder of D'aja Robinson, the solely culpable individual is serving a sentence of 25 years to life in prison.

"I want to thank the Debevoise and Plimpton law firm and Appellate Advocates for their years of work on these cases and for their collaboration with our Conviction Integrity Unit," District Attorney Katz added.

***People v. Capers***

D'aja Robinson, a 14-year-old honor student at the Campus Magnet School, was killed May 18, 2013, when 10 .40 caliber pistol rounds were fired into a crowded city bus in a gang-related dispute. An innocent bystander, Robinson was on the bus heading home from a friend's birthday party. Her senseless murder devastated her close-knit family and touched the community deeply. The corner of Sutphin and Rockaway Boulevards is now named for her.

Gang member Kevin McClinton was arrested for Robinson's murder after an eyewitness, Terrence Payne, told police and prosecutors that he witnessed McClinton fire "all 10 shots" into the bus.

A year later, Capers was arrested based on a new eyewitness account, from a second gang member, Lael Jappa. In exchange for a significant sentence reduction on unrelated felony charges, Jappa testified at Capers's trial that he saw Capers fire first into the bus and that McClinton then took the gun from Capers and continued firing.

Capers was convicted largely based on Jappa's eyewitness account and was sentenced to a prison term of 15 years to life.

The Queens District Attorney's Conviction Integrity Unit (CIU) reinvestigated the case, prompted by information from counsel at Debovoise and Plimpton citing, among other evidence, a recantation made by Jappa to a defense investigator. Over the course of a year, the CIU interviewed dozens of witnesses, including Jappa, who again recanted his testimony implicating Capers.

While such recantations are rightly viewed with skepticism, Jappa's claim that he testified falsely is corroborated by recorded phone calls uncovered during CIU's investigation. Specifically, recorded phone conversations Jappa had from jail in 2014 with his mother, whom he repeatedly told that the information he was providing to police and prosecutors about Capers was false. There is no evidence that anyone other than Jappa and his mother were aware of what was said until recordings of the calls were reviewed eight years later.

Capers, who was 15 years old at the time of the shooting, will be released today after being incarcerated for more than eight years on the murder charge. The indictment will be dismissed.

McClinton will continue serving a sentence of 25-years-to-life in prison for Robinson's murder.

"My thoughts today are with D'aja Robinson's family," District Attorney Katz said. "This motion might not be easy for them to accept, but they can take comfort in knowing that the solely culpable individual, Kevin McClinton, will be spending a very long time in jail, perhaps the rest of his life."

### ***People v. Williams***

Williams was convicted and sentenced to 15 years in prison in connection with a February 2013 robbery at a Queens Village storage facility. A week before the robbery, Williams, accompanied by a friend, had rented a storage unit at the facility.

The following week, four men entered the storage facility and robbed one of the employees—leaving him bound with tape in an empty unit. A second employee of the storage facility identified Williams as one of the four men involved, recalling him from the week before.

After his arrest, Williams urged his attorneys to obtain surveillance footage from the storage facility, as well as cell phone location records, which he said would prove that he was home in Brooklyn on the phone with his superintendent on the afternoon of the robbery. Williams's attorneys obtained call logs for Williams's phone that showed a call that coincided with the time of the robbery, but they did not get cell site location records.

At Williams's trial, no alibi evidence was presented and he was convicted based primarily on the testimony of a single eyewitness. Williams's appellate attorneys continued to investigate the case and were able to obtain cell site location records showing that during a 35-minute phone call that coincided with the commission of the robbery, Williams's cell phone was connected to a cell tower in Bedford Stuyvesant, Brooklyn, one-half mile from his apartment and 10 miles from the scene of the crime. Additionally, Williams's superintendent confirmed that the call was from him.

The CIU thoroughly and expeditiously reinvestigated the case, interviewing numerous witnesses and confirming the cell site location data. The CIU's findings led to the District Attorney's decision to consent to vacatur of Williams's convictions.

Including the two motions filed today, the Conviction Integrity Unit has now vacated 13 convictions since it was formed by DA Katz after she took office in 2020.

The investigation in *People v. Capers* was conducted by CIU's Director Bryce Benjet and Assistant District Attorney Rosanne Howell, with assistance from Assistant District Attorney John McGoldrick and CIU's assigned detective investigators. The investigation in *People v. Williams* was conducted by Assistant District Attorney Eric Washer and CIU Director Benjet with the assistance of Jennifer Rudy from the Crime Strategies and Intelligence Unit and the CIU's assigned detective investigators.

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