



718.286.6000
WWW.QUEENSDA.ORG

QUEENS COUNTY DISTRICT ATTORNEY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568



MELINDA KATZ
DISTRICT ATTORNEY

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CONTACT: PRESS OFFICE (718) 286-6315
QDACommunications@queensda.org

FORMER MANHATTAN MAN SENTENCED TO 25 YEARS TO LIFE IN PRISON
FOR EXECUTION-STYLE MURDER IN 1990

Defendant Found Guilty Following Retrial After Previous Verdict Overturned on Appeal

Queens District Attorney Melinda Katz announced today that Kevin Smith was sentenced to 25 years to life in prison following a trial conviction for murder. The defendant killed a long-time acquaintance with a gunshot to the back of the head while seated in the back seat of a vehicle in February 1990. Smith was previously tried and convicted but that verdict was overturned on appeal in March 2023.

District Attorney Katz said: “For more than 25 years, justice eluded the family of the victim. And after a guilty verdict in 2016, an appeal’s court reversed in 2023. A jury has spoken again and the defendant has been held to account for this brutal killing. Today, a judge sentenced the defendant to the maximum term of incarceration. I hope this gives the slain man’s family both relief and finally closure.”

Smith, 67, of the Yorkville section of Manhattan, was found guilty in November 2024 of murder in the second degree after a jury deliberated for approximately five hours after a week-long trial. Supreme Court Justice Michael Aloise, who presided at trial, yesterday sentenced the defendant to 25 years to life in prison.

According to the charges and trial records, the victim, on February 8, 1990, Frank Sestak was the operator of a Dodge station wagon, and his long-time acquaintance Smith sat in the backseat directly behind him. A third man, David Hammerstone, was seated in the front passenger seat. The 45-year-old victim pulled off the Grand Central Parkway and parked on the westbound shoulder near 68th Avenue. At that time Smith pulled out a gun and shot Sestak in the back of the head. The defendant then jumped out of the vehicle, stood at the front driver’s side door and fired several more shots into the victim’s body.

Hammerstone, the third man in the car, pulled out another gun and also shot the victim. Sestak was struck several times, including one shot in his skull, and died from those injuries.

In October 2016, Hammerstone pleaded guilty to manslaughter in the first degree and was sentenced to four to 12 years in prison.

Smith was convicted of murder in the second degree in November 2016. An appellate court overturned that conviction and ordered a new trial primarily due to the introduction of evidence that Smith and Hammerstone committed a bank robbery after the murder. Presenting this evidence was found to be an error by the court.

Executive Assistant District Attorney Shawn Clark, of the District Attorney's Major Crimes Division, prosecuted the case with the assistance of Assistant District Attorney Vivian Gonzalez of the District Attorney's Homicide Bureau.

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