



**RICHARD A. BROWN**  
DISTRICT ATTORNEY

**DISTRICT ATTORNEY  
QUEENS COUNTY**  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415-1568  
718-286-6000

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**FOR IMMEDIATE RELEASE**  
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**CONTACT: PRESS OFFICE**  
(718) 286-6315

**D.A. BROWN: SUSPECT IN SHOOTING DEATH OF FOREST HILLS ORTHODONTIST**  
**ARRAIGNED ON MURDER CHARGES**

*Defendant Extradited From Georgia; Faces Up To Life in Prison*

\_\_\_\_\_ Queens District Attorney Richard A. Brown announced today that a Georgia man who was extradited this week to New York has been arraigned in Queens County Supreme Court on murder charges in the death of a 34-year-old orthodontist who was shot last October in a Forest Hills playground in front of his four-year-old daughter and estranged wife.

District Attorney Brown said, "The defendant is accused of cold-bloodedly and intentionally gunning down a Forest Hills orthodontist while acting in concert with another person. The murder was particularly heinous as it was committed in front of the victim's young daughter. The defendant will be prosecuted to the fullest extent of the law."

The District Attorney identified the defendant as Mikhail Mallayev, 50, of 3016 Henderson Mills Road, Atlanta, Georgia. He was arraigned earlier today before Queens Supreme Court Justice Robert Hanophy on a four-count indictment charging him with one count of second-degree murder, two counts of second-degree criminal possession of a weapon and one count of third-degree criminal possession of a weapon. Mallayev, who faces up to 25 years to life in prison if convicted was ordered held without bail and to return to court on January 22, 2008.

District Attorney Brown said that, according to the indictment, Mallayev, acting in concert with another individual, killed Dr. Daniel Malakov. The orthodontist was gunned down on the morning of Sunday, October 28, 2007, in Annadale Playground. Malakov was shot twice in the chest. He was in the playground to deliver his daughter for a visit with his estranged wife, Dr. Mazoltuv Borukhova. Malakov had won custody of the girl after a bitter court battle.

Mallayev was arrested last November in Georgia after NYPD detectives matched fingerprints on a makeshift silencer found at the scene to fingerprints taken from Mallayev in 1994 after he was charged with subway fare-beating. Mallayev had been in the custody of the DeKalb County (GA) Sheriff's Office while awaiting extradition.

District Attorney Brown expressed his appreciation to Extradition Specialist Carol Swann, of the Office of New York State Governor Eliot L. Spitzer, and to Chief Assistant District Attorney Billy C. Johnson, of the office of Georgia Governor Sonny Perdue, and to Investigator Jon Todd, of the Fugitive Unit at the Dekalb County (GA) Sheriff's office, for their assistance during the investigation.

Also assisting in the investigation were Senior Assistant District Attorney Alix F. Kucker, Chief of District Attorney Brown's Extradition Unit, Paralegal Janice D. Oppenheimer and Secretary Arlene A. Arbitman, under the supervision of Eugene F. O'Neill, Bureau Chief of the District Attorney's Grand Jury Bureau, and Floyd D. Herring, Deputy Bureau Chief, and the overall supervision of Senior Executive Assistant District Attorney for Trials James C. Quinn and Deputy Executive Assistant District Attorney for Trials John H. Larsen.

Assistant District Attorney Brad A. Leventhal, Bureau Chief of the District Attorney's Homicide Trial Bureau, is prosecuting the case under the overall supervision of Executive Assistant District Attorney for Major Crimes Charles A. Testagrossa and Deputy Executive Assistant District Attorney for Major Crimes Daniel A. Saunders.

It should be noted that an indictment is merely an accusation and that a defendant is presumed innocent until proven guilty.

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