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QUEENS DISTRICT ATTORNEY FILES JOINT MOTION WITH DEFENSE
TO VACATE CONVICTIONS IN 1996 DOUBLE MURDER CASE
BASED ON FAILURE TO DISCLOSE EXCULPATORY EVIDENCE

Queens County District Attorney Melinda Katz today announced the filing of a joint motion with defense counsel to vacate the convictions of George Bell, Gary Johnson, and Rohan Bolt, who were convicted of the December 21, 1996, murders of Ira “Mike” Epstein and NYPD Police Officer Charles Davis in the course of robbing Mr. Epstein’s check cashing business. Police Officer Davis lost his life in his efforts to protect Mr. Epstein while working off-duty as security for Epstein’s business.

After an exhaustive investigation of these decades-old convictions, the District Attorney’s Conviction Integrity Unit has concluded that trial prosecutors inadvertently failed to disclose records favorable to the defense. These included:

- Documents indicating that a member of a different gang known as “Speedstick” had implicated himself and other gang members in the robbery and killings at the check cashing store; and
- Mental health records of a purported accomplice who first implicated the defendants and who testified against two of the defendants at their trials.

The defense had made several specific requests for information suggesting the involvement of Speedstick gang members in the check cashing robbery and shootings, but the documents were not contained in the defendants’ files and were only discovered by the CIU years later in files pertaining to unrelated prosecutions of Speedstick members.

While the CIU determined that the prosecutors assigned to defendants’ cases were unaware of these records at the time of the defendants’ trial, under New York Law, even the inadvertent failure to disclose exculpatory evidence requires vacatur of a conviction if there is a “reasonable possibility” that the outcome of the trial would have been different.

“As the chief law enforcement officer of Queens County, I cannot stand behind these convictions in light of the Brady violations that my Conviction Integrity Unit identified. However, there is at this time insufficient evidence of actual innocence and therefore we are taking this opportunity to re-evaluate and examine the evidence,” DA Katz said.

DA Katz has assigned Executive Assistant District Attorney Pishoy Yacoub, who has been in charge of Queens DA's Supreme Court Trial Division and Legal Training since appointed by Katz in January 2020, to lead the continued investigation and any further trial proceedings.

The indictments of the defendants remain pending, but under the unusual facts and circumstances of the case, they have been released on recognizance bond while the DA's investigation continues.

DA Katz stated: "Our office does not overturn convictions lightly, and this is a tragic case that has affected many lives. We must acknowledge the pain and uncertainty this error brings to the families of innocent victims of a terrible crime. But a fair and accurate trial depends on both prosecutors and defense attorneys knowing all of the evidence so that the jury can make an informed decision about the guilt or innocence of a defendant. When that system breaks down, regardless of fault, we have to take responsibility."

CIU Director Bryce Benjet said, "These prosecutors did not intentionally mislead the Court, but we cannot ignore the fundamental unfairness in which key exculpatory evidence never came to light during the trial. The constitutional safeguards in our criminal justice system failed here, and the result has deprived everyone involved of the certainty and finality of justice in this case."

The Conviction Integrity Unit's investigation has spanned 11 months in which more than 30 witness were interviewed.

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