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**STATEMENT BY QUEENS DISTRICT ATTORNEY MELINDA KATZ
AND PEOPLE'S DISMISSAL MOTION – BELL, BOLT & JOHNSON**

Today, my office moved to dismiss indictments against 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 during a robbery attempt of Mr. Epstein’s check cashing business.

This follows a thorough, three-month investigation by Executive Assistant District Attorney Pishoy Yacoub. I want to thank EADA Yacoub and his team and Bryce Benjet, the head of my Conviction Integrity Unit, for their arduous work.

There can be no true justice, in Queens County or anywhere else, unless we hold ourselves to the highest standards facilitating the process by which justice is sought. My commitment to the effort continues.

What follows is the People’s Dismissal Motion, as presented to the Court by EADA Yacoub:

PEOPLE’S DISMISSAL MOTION – BELL, BOLT & JOHNSON

Your honor, on the morning of December 21, 1996, a senseless act of violence took the lives of NYPD Officer Charles Davis and Ira “Mike” Epstein. Officer Davis gave his life trying to protect his friend and colleague. The Davis and Epstein families lost their loved ones and our community lost two men who cared about them and who made a difference. Everything we have done in this case takes place in the shadow of this irreparable loss.

At our prior hearing on March 5, 2021, our office filed a joint motion with the defendants consenting to vacate the defendants’ convictions under CPL 440.10(1)(h) based on the recent discovery of exculpatory evidence that was not disclosed to the defense at trial. In light of the strength and nature of the new evidence, we also agreed at that time, to the defendants’ release on their own recognizance, pending our office’s continued investigation of the case.

I was assigned to thoroughly and expeditiously investigate this case by District Attorney Katz in early March and to determine whether it would be appropriate to re-try this case or to move to dismiss this case and consider additional claims for relief.

Over the past three months, with the assistance of a team of Detective Investigators, State Troopers and fellow prosecutors, I conducted an extensive and exhaustive investigation. This investigation involved:

- 1) A review of all relevant documentary evidence: We have sifted through every document related to the defendants' cases as well as the files of numerous other NYPD investigations of the alternate suspects in the case.
- 2) The interviewing of over 60 fact witnesses.
- 3) Hundreds of hours of review of electronic evidence;
- 4) With the help of and collaboration with the NYPD Lab and the OCME, who prioritized this case, hundreds of hours of forensic testing involving DNA evidence, ballistics evidence and the re-testing of fingerprint evidence.

The evidence at trial against these defendants rested heavily on the confession and testimony of an accomplice named John Mark Bigweh and the confessions made by two of the defendants in this case, George Bell and Gary Johnson.

The investigation over the last several months, amongst other pertinent findings, reaped the following results:

1. Although the confessions asserted that the vehicle used during the course of this crime was a red/burgundy van, four independent eyewitnesses at the crime scene identified a blue van as the vehicle that was used to perpetrate this crime. One of those eyewitnesses went so far as to identify the perpetrators entering and fleeing in a blue Ford Aerostar van immediately after the murders. A sketch of this van was drawn by an NYPD sketch artist back in 1996. This information was documented in a DD5. This information was never disclosed to the defendants.
2. Furthermore, a blue Ford Aerostar van was recovered less than an hour after the crime approximately 20 minutes away. This van was processed for latent fingerprints in connection with this case and compared to the defendants' fingerprints. Their fingerprints did not match. This information was not disclosed to defendants Johnson and Bolt.
3. As it relates to the reliability of the evidence implicating defendants, Det. Bubelnik was the detective who obtained the confession from the accomplice John Mark Bigweh, which ultimately implicated the defendants Bell, Bolt and Johnson. During the course of her investigation, Det. Bubelnik also obtained a confession from an individual named Jason Ligon who confessed to be the getaway driver during this crime. After the defendant's trials, however, an investigation ensued into the veracity of Ligon's confession. It was ultimately determined that his confession was false and he was released from custody and his case was dismissed. This information was not available to the defendants at trial.
4. Det. Bubelnik also had a pending lawsuit against her at the time of trial which stemmed from a previous case in which she was accused of coercing a false confession from the defendant in that case. That lawsuit was ultimately settled. That information was not available to the defendants at trial.

In March, we relied on (1) the statements contained in DD5s of other cases implicating other, unrelated, suspects in the crime and (2) John Mark Bigweh's documented history of mental illness to vacate the convictions. That, coupled with these findings, disturbs our confidence in the verdicts and our ability to prove this case beyond a reasonable doubt. As a result, District Attorney Katz has decided not to proceed to trial and is hereby moving to dismiss the indictment against all three defendants.

In addition, at our last hearing in March, the Court left open the question as to whether additional relief would be appropriate under the statute. Based on the results of this investigation, we are moving to amend the grounds on which the convictions were overturned, to include "newly discovered evidence" pursuant to CPL 440.10(1)(g), which if available at the time of trial, would more likely than not, have led to a verdict more favorable to the defendants. This matter will now be handled by our Cold Case Unit as our Office remains committed in seeking justice in this case.

District Attorney Katz has taken crucial measures to ensure that justice is served in every case and to prevent this from happening again in the future.

- We have improved processes that ensure coordination and communication between prosecutors about potentially related cases;
- We have enhanced prosecutor training programs to improve case assessment and management;
- We have implemented policies and procedures to assist prosecutors in complying with new discovery reform laws that went into effect on January 1st, 2020 which were passed to prevent these issues from occurring.

District Attorney Katz takes very seriously the impact that exculpatory evidence has on the outcome of a trial, and as a result, on people's lives. For the aforementioned reasons, the Queens District Attorney's Office moves to dismiss the indictment against all defendants.