

Tuesday, October 20, 2020

Statement of the District Attorney's Office to the Court on Robert Majors Case

On May 9th, 1997, a green van pulled up to a payroll delivery truck and 3 masked men exited, armed with 2 assault rifles and a handgun. They immediately opened fire upon the 2 guards, an off-duty NYPD detective and a retired NYPD police officer. A total of 52 shots were fired, including several while the guards were down and incapacitated. Both guards were shot multiple times. Miraculously, both survived. The gunmen stole \$80,000 before making their getaway in the van. One of the gunmen was identified by a fingerprint found on a newspaper recovered inside the abandoned van. During surveillance of this gunman's house the next day, Robert Majors was observed leaving and carrying a large duffle bag. After a police pursuit, during which Majors abandoned his car with his 4-year-old child inside, he was apprehended and the duffle bag, containing a quantity of firearms, was recovered. The firearms were ballistically linked with the bullets and shell casings recovered at the crime scene. Majors was also identified in a line up by 2 witnesses who saw him get out of the van with 2 others shortly after the shooting.

This case has been tried 3 times – once with a single co-defendant and twice with this defendant and another co-defendant. All trials resulted in convictions. The defendant's first trial was reversed on appeal due to juror misconduct. His second trial again resulted in a conviction, but the verdict was partially vacated due to a Brady violation. That leaves the People in the position of trying this defendant for the third time or dismissing the remaining counts.

The cooperation of the witnesses in this case, including the 2 victims, has been exemplary. They have done everything asked of them. But we are concerned that to call upon them for a 4th time, under these circumstances, would be unduly burdensome and beyond the call of a citizen's duty and obligation. Furthermore, the defendant has served approximately 23 years in prison and is eligible for parole from a sentence of 12 to life that he is currently serving. When paroled, he will be on lifetime supervision. If he were re-tried, the outcome of a trial can never be predicted with certainty. Even if convicted, a sentencing court would not be compelled, as a matter of law, to impose a consecutive sentence or to exceed the length of time the defendant has already served. Lastly, and perhaps most importantly to the DA's Office, we have been in touch with the surviving victims, both of whom are satisfied that substantial, if not perfect, justice has already been achieved in this matter without the need for an additional trial.

For all of these reasons, the People ask the Court to dismiss the remaining counts in this indictment that this Court had ordered to be the subject of a new trial.

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