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DNA Exoneration Cases in New York State

The 22 people in New York State who were wrongly convicted, and subsequently exonerated through DNA testing, served a combined total of 249 years in prison for crimes they did not commit. The following is a chronological listing of these cases, with brief information on each.

1991: [Charles Dabbs](#), Westchester County; convicted of rape in 1984 and sentenced to 12.5-20 years; served 7 years.

1992: [Leonard Callace](#), Suffolk County; convicted of sexual assault and related charges in 1987 and sentenced to 25-50 years; served 6 years.

1992: [Kerry Kotler](#), Nassau County; convicted of rape and robbery in 1981 and sentenced to 25-50 years; served 11 years.

1995: [Terry Chalmers](#), Westchester County; convicted of rape and related charges in 1987 and sentenced to 12-2 years; served 7.5 years.

1996: [Victor Ortiz](#), Newburgh; convicted of rape in 1984 and sentenced to 25 years; served 10 years.

1999: [Habib Wahir Abdal](#), Buffalo; convicted of rape in 1983 and sentenced to 20 years to life; served 17 years.

2000: [James O'Donnell](#), Staten Island; convicted of attempted sodomy and assault in 1998 and sentenced to 3.5-7 years; served 2 years.

2002: [Hector Gonzales](#), New York City; convicted of murder in 1995 and sentenced to 15 years to life; served 6.5 years.

2002: [Antron McCray](#), New York City; convicted of rape and assault in 1989 and sentenced to 5-10 years; served 6 years.

2002: [Kevin Richardson](#), New York City; convicted of attempted murder, rape and robbery in 1989 and sentenced to 5-10 years; served 6.5 years.

2002: [Yusef Salaam](#), New York City; convicted of rape and assault in 1989 and sentenced to 5-10 years; served 6.5 years.

2002: [Raymond Santana](#), New York City; convicted of rape and assault in 1989 and sentenced to 5-10 years; served 8 years.

2002: [Kharey Wise](#), New York City; convicted of assault, sexual abuse and riot in 1989 and sentenced to 5-15 years; served 11.5 years.

2003: [Michael Mercer](#), New York City; convicted of rape and robbery in 1992 and sentenced to 20.5-41 years; served 12 years.

2005: [Dennis Halstead](#), Nassau County; convicted of rape and murder in 1986 and sentenced to 33 years to life; served 17 years.

2005: [John Kogut](#), Nassau County; convicted of rape and murder in 1986 and sentenced to 31.5 years to life; served 17 years.

2005: [John Restivo](#), Nassau County; convicted of rape and murder in 1986 and sentenced to 33 years to life; served 17 years.

2006: [Jeffrey Deskovic](#), Westchester County; convicted of rape and murder in 1991 and sentenced to 15 years to life; served 16 years.

2006: [Scott Fappiano](#), Brooklyn; convicted of rape and burglary in 1985 and sentenced to 25-50 years; served 21 years.

2006: [Alan Newton](#), Bronx; convicted of rape, robbery and assault in 1985 and sentenced to 13-40 years; served 21 years.

2006: [Douglas Warney](#), Rochester; convicted of murder in 1997 and sentenced to 25 years to life; served 10 years.

2007: [Roy Brown](#), Cayuga County; convicted of murder in 1992 and sentenced to 25 years to life; served 15 years.

Facts on DNA Exonerations in New York State:

- 22 of the nation's 196 DNA exonerations (more than 10%) have been in New York State.
- The first DNA exoneration in New York was in 1991. In 2006, there were four DNA exonerations in New York. There has been one so far in 2007.
- The 22 DNA exonerations in New York have been from across the state – including Buffalo, Rochester, Cayuga County, Long Island, Westchester County and New York City.
- In 9 of New York's 22 DNA exoneration cases, the actual perpetrator was later identified.
- Before they were exonerated, these 22 individuals served an average of 11 years in prison for crimes they did not commit.
- These 22 New Yorkers served a combined total of 249 years in prison.
- In 12 of the 22 New York cases, [eyewitness misidentification](#) was a contributing factor in the wrongful conviction.
- New York is not among the states that have implemented procedures that are proven to make eyewitness identification more accurate. (New Jersey has implemented such reforms statewide.)
- In 11 of the 22 New York DNA exoneration cases, a [false confession](#) was obtained by law enforcement.
- Law enforcement agencies in three of New York State's 62 counties electronically record custodial interrogations (a reform that has been shown to reduce false confessions).
- The Innocence Project recently conducted a preliminary analysis of its closed cases and found that while nationally 32% of cases were closed because evidence was lost or destroyed (and thus could not be subjected to DNA testing in order to prove guilt or innocence), in New York City 50% of cases were closed for this reason.