

DAILY NEWS

Lawyers for Brooklyn man imprisoned for 33 years file motion to overturn conviction; say prosecutors withheld key documents

By Graham Rayman | February 8, 2019



John Ramsey and his attorney, Craig Phemister, in Manhattan on Wednesday. (Angus Mordant for New York Daily News)

A Brooklyn man who served 33 years in prison for a murder he says he didn't commit is filing a motion Friday to try to overturn the conviction.

Lawyers for John Ramsey, now 58, claim in the motion that the Brooklyn District Attorney's office withheld a key police arrest report from his defense that would have proven his innocence in the 1981 murder of Vernon Green in a Flatbush crack house during a botched robbery. They say the motion is necessary because the DA's Conviction Review Unit recently refused to recommend the conviction be overturned despite what they view as overwhelming new evidence.

Ramsey was convicted at trial in 1982, with the only evidence against him being a single witness who admitted he had been smoking angel dust for most of the day of the murder.

He was paroled in 2015 after serving more than three decades in various state prisons.

"He wants to prove his innocence," said his lawyer Craig Phemister of the firm Napoli Shkolnik. "He's been living with the stigma of being a murderer for now 36 years and he wants to clear his name."

A spokesman for the Brooklyn DA said the office will review the motion when they receive it, and declined further comment.

According to the motion obtained by the Daily News, on Oct. 30, 1981, six people were partying in a second floor apartment on E. 22nd St. near Newkirk Ave. in Flatbush.

Two men forced their way in, one holding a shotgun.

“We are going to have to kill one of them to show we mean business,” one of the robbers said, according to the motion.

Green grabbed the end of the gun and was shot dead.

A man named Cole Coleman was arrested for the murder two months later in December 1981. He eventually agreed to cooperate and named Ramsey as the other robber, claiming Ramsey shot Green. Ramsey was arrested in March 1982.

At trial, Ramsey was convicted on the word of the lone witness.



John Ramsey served 33 years in prison for murder he says he didn't commit. (Angus Mordant for New York Daily News)

“Dale was the only identifying witness and his credibility rested on the thinnest of reeds — one drug-addled eyewitness who had lied to police,” the motion said.

The jury convicted Ramsey and he was sentenced to 25 years to life in prison. Ramsey remained adamant that he was innocent throughout the long prison term.

In 2006, he got his hands on the key piece of evidence he had never before seen – a heavily redacted arrest report showing that two men fitting the description of the shooters had been arrested near the crime scene within an hour of the murder.

But he couldn't convince the parole board to release him. Finally, after his parole in 2015, his lawyers were able to obtain the unredacted arrest report.

It showed the Coleman and his brother were the men initially arrested, according to the motion.

But Ramsey's defense lawyer Michael Vecchione says he never got it during the trial. The detectives' interview reports – known as DD-5s – were also never turned over.

“Had I had the arrest reports, I think that would have swayed the jury and certainly created reasonable doubt,” he said. “It is a very, very significant violation of the Brady rules. You have to turn over exculpatory evidence. It could have been a prosecutor recognizing he had a weak case — That's certainly as much a possibility as it being inadvertent.”



Former top prosecutor, Michael Vecchione, who once served as defense attorney to John Ramsey, shakes Ramsey's hand at a press conference on Friday. (Jesse Ward for New York Daily News)

The Brooklyn DA's Conviction Review Unit opened an investigation and interviewed Coleman, who said he had lied about Ramsey's involvement to protect his brother, the motion said.

“Why are you looking into this, everyone, even the cops, know Ramsey wasn't there,” Coleman allegedly told CRU investigators, according to the motion.

Coleman said he lied in naming Ramsey because he didn't want his mother left alone if both her sons went to prison, the motion says. He also disclosed that he had named Ramsey because he was upset at Ramsey for dating a woman he liked, the motion says.

The CRU agreed the arrest report should have been turned over, but refused to overturn his conviction – sparking Friday’s motion, according to Phemister. The review is not technically complete, according to the DA’s spokesman.

“All of the evidence that has been uncovered since his release provides a compelling reason for this Court to grant an evidentiary hearing so that a fundamental miscarriage of justice can be corrected,” according to the motion.

A law enforcement source called the case for overturning Ramsey’s conviction, “thin,” and expressed skepticism of Coleman’s new account. The source noted that in the same CRU interview, Coleman said he called out Ramsey’s name before entering the apartment to in essence pre-frame him before the murder — suggesting that claim was not credible.

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