

In September 1988 17-year-old Martin Tankleff's parents, Seymour and Arlene, were murdered in their Long Island, New York home. Tankleff immediately accused his father's business partner, Jerard Steurman, of the crime. However, under intense questioning by detectives, the distraught teenaged Tankleff confessed to the murders, which he immediately retracted, and he refused to sign a statement written by a detective. Relying on the oral confession, the homicide detectives did not seriously investigate Steurman as a suspect.



Martin Tankleff the day of his release

Martin Tankleff's Murder Convictions Overturned After 17 Years Imprisonment

By JD Staff

Tankleff's 1990 trial was a media sensation. It was one of the first trials broadcast live, and it resulted in the founding of Court TV. Tankleff insisted on his innocence, but he was found guilty by a jury, and sentenced to 50 years to life in prison.

Tankleff's conviction was affirmed on direct appeal. However, family and friends believed in his innocence, and in 2000 *Justice:Denied* published an article about Tankleff's case (Issue 12). In 2001 private investigator Jay Salpeter began digging for new evidence.

Salpeter discovered damning evidence supporting Tankleff's original accusation that Steurman was the person behind the murders. Three men were identified as being directly involved in the crime under his direction. One of the men, Glenn Harris, admitted in an affidavit to being the getaway driver and he provided details of the crime, including the roles of his two accomplices. Supporting the new evidence against Steurman is that he owed Seymour Tankleff \$500,000, he quarreled with him over repayment of the money, he was in the house the night of the murders, he left suicide notes a week after they occurred, and he changed his appearance and fled to California where he lived under an assumed name.

Salpeter's investigation resulted in Tankleff filing a motion in October 2003 to vacate his convictions based upon the newly-discovered evidence of his actual innocence. An evidentiary hearing, during which 23 witnesses testified, commenced on May 12, 2004 in Suffolk County. Almost two years later, on March 17, 2006, the judge denied Tankleff's motion on four grounds. Two of those grounds were Tankleff didn't exercise "due diligence" in finding his new evidence, and the judge did not agree that the new evidence proved his claim of "actual innocence. Tankleff was granted leave to appeal the judge's ruling. *Justice:Denied* published another article about Tankleff's case in the summer of 2006 (Issue 33).

On December 18, 2007 the New York Court of Appeals released its written opinion. *People v Tankleff*, 2006-03617 (NY Ct of Appeals 12-18-2007)

The lower court's ruling that Tankleff did not exercise "due diligence" was the one

most fatal to his motion, and the appeals court strongly rejected the judge's rationale: "The defendant's investigation resulted in a body of new evidence which required time to accumulate. He should not be penalized for waiting to amass all of the new evi-

dence and then presenting it cumulatively to the County Court. Such conduct avoided separate motions upon the discovery of each witness, obviated the squandering of resources, and preserved judicial economy."

After an extensive analysis of the arguments of Tankleff and the prosecution, the appeals court ruled that "the newly-discovered evidence is "of such character as to create a probability that had such evidence been received at the trial the verdict would have been more favorable to the defendant." The court then ordered the vacating of Tankleff's two murder convictions and his sentences, and that a new trial be conducted "with all convenient speed."

Tankleff was released on bail on December 27, 2007. Two days later *The New York Times* published an article that for a year New York's State Investigation Commission had quietly been conducting an official inquiry into Suffolk County law enforcement's handling of the investigation into the murder of Tankleff's parents.

Four days after the *Times*' revelation that his office was under official investigation for its handling of the Tankleff case, Suffolk County District Attorney Thomas Spota announced on January 2, 2008 that Tankleff would not be retried, and that the murder charges would be formally dismissed against him on January 18, 2008.

Martin Tankleff was wrongly imprisoned for more than 17 years for the murder of his parents.

Sources:

Convicted of Killing His Parents Even Though He Tried to Save His Father's Life!, *Justice:Denied*, Issue 12.
Will The Frame-up Hold Up? The Martin Tankleff Story, *Justice:Denied*, Issue 33, Summer 2006.
<http://www.martytankleff.org> (Extensive case documentation is on Tankleff's website.)
Out on bail, Tankleff's goal is acquittal, *Newsday*, December 28, 2007.
New York is said to have inquiry in Tankleff case, *The New York Times*, December 29, 2007.
Suffolk DA drops Martin Tankleff murder case, *Newsday*, January 2, 2008.



Anyone seeking to overturn a wrongful conviction needs to take to heart the observation of Winston Churchill:

"Success is going from failure to failure without losing enthusiasm."

Villasana cont. from p. 5

Several weeks later Greene County Prosecutor Darrell Moore publicly revealed that Villasana had been convicted of a hoax crime. He said, "It's outrageous. I cannot apologize to Mr. Villasana – that belongs to the complaining witness in this case. I can tell Mr. Villasana that I'm sorry." Moore said he would like to prosecute Lummis for perjury, but, "Unfortunately, the statute of limitations has run out on this case." Moore also said of Lummis' admission, "The statement she gave to the detective, there's nothing contrite about it. She just admits that she lied to protect herself."

After Moore finished his statement, Villasana told reporters, "I just thank God that I'm out free and I'm glad that everybody knows that I was innocent from the beginning." His attorney Gregory Aleshire said that a civil suit against Lummis is possible. However, Lummis has had a checkered life, and it is questionable if she could ever pay any significant amount of any judgment.

Lummis sentenced to four years in prison

Prior to falsely accusing Villasana, Lummis pled guilty in April 1998 to forgery and fraudulently attempting to obtain prescription diet pills. She was released on probation with a four-year suspended prison sentence, but she skipped out on her probation after Villasana's November 1999 trial. After Lummis' arrest in August 2007 and her admission that she fabricated her testimony against Villasana, her probation was revoked. In late August she was sentenced to serve her original four-year prison term. Lummis is currently incarcerated in a Missouri prison.

Sources:

Revelation clears Villasana's name: A DNA match with a Missouri inmate uncovers 1998 rape accusation as a lie, by Amos Bridges, *News-Leader* (Springfield, MO), August 24, 2007.

Convicted man freed by DNA tests, *News-Leader* (Springfield, MO), June 22, 2000.

