

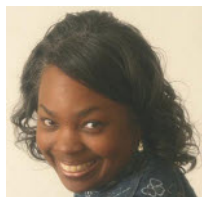
## Derrick Hamilton's Alibi By Police Officer He Was 82 Miles From 1991 Murder Ignored By The Courts

The *New York Daily News* recently published a feature story about Derrick Hamilton's case of being convicted of a 1991 murder in Brooklyn, New York that occurred when he was 82 miles away in New Haven, Connecticut.

Many of the details in the story originated from the article about Hamilton's case published in Justice Denied Issue 41: "In Connecticut At Time Of Brooklyn Murder" – The Derrick Hamilton Story" by Nicole Hamilton.

Emergency 911 was called at 11:01 am on January 4, 1991, only moments after Nathaniel Cash was shot to death on a Brooklyn sidewalk. One of the shooters came out of hiding as a crowd gathered and started spreading the rumor that Derrick Hamilton shot Cash. Hamilton was eventually charged with the murder based on one of Cash's woman friends believing the rumor was true, and lying to the police that she had witnessed Hamilton shoot Cash. She was indispensable to Hamilton's prosecution because she was the only person who testified during his trial that she saw him shoot Cash.

Hamilton had several credible alibi witnesses that he was in New Haven at the time of the murder, but his lawyer didn't call any of them to testify during his trial.



Kelly Turner  
(USmile Magazine)

Hamilton's most important alibi witness was Kelly Turner, who at the time of the murder was meeting with Hamilton in New Haven. Hamilton divided his time between New York City where he booked talent for clubs

such as the Apollo Theater in Harlem, and New Haven where he was a partner in a beauty salon. Turner owned a talent booking agency in New Haven. During a party at a New Haven hotel on the evening of January 3, 1991, Turner and Hamilton arranged to meet the next morning. Hamilton was with Turner for about an hour between 11 am and noon on January 4th to discuss booking musical talent in New York City. Davette Mahan worked at the talent agency and she saw Hamilton when he was meeting with Turner.



Derrick Hamilton

Between the time of the shooting and Hamilton's 1992 trial Turner joined the New Haven Police Department. However, Hamilton's lawyer not only didn't subpoena Turner or Mahan to testify during his trial that he was in New Haven at the exact time of the murder – but his lawyer didn't even include them on his list of alibi witnesses.

Turner provided a post-conviction Affidavit to Hamilton in 1995 detailing that she picked Hamilton up between 11 am and 11:15 on January 4, and that she drove him to her office where they met from about 11:20 am until about noon. Mahan also provided an Affidavit detailing that she saw Hamilton at the talent agency office that morning.

When Justice Denied was working on Hamilton's story Kelly Turner was contacted and she verified the accuracy of the information in her Affidavit. Turner is still a New Haven police officer. The failure of Hamilton's lawyer to subpoena Turner and Mahan to testify at his trial has proven catastrophic for Hamilton. It is not new evidence because it was known to him prior to his trial, so 19 years after his conviction, no state or federal court has agreed to even consider police officer Turner's unimpeachable alibi evidence that at the time of Cash's murder Hamilton was in New Haven.

The lone "eyewitness" the jury relied on to convict Hamilton of second-degree murder has long since recanted in sworn affidavits and in testimony during post-conviction proceedings that she was not present when Cash was shot and she has no knowledge of who committed his murder. Yet, Hamilton continues serving his sentence of 25 years to life for a murder it is positively known he didn't commit.

### Sources:

"In Connecticut At Time Of Brooklyn Murder – The Derrick Hamilton Story" by Nicole Hamilton, Justice Denied, Issue 41, Summer 2008, pp. 10-13 at [www.justicedenied.org/issue/issue\\_41/derrick\\_hamilton\\_jd41.pdf](http://www.justicedenied.org/issue/issue_41/derrick_hamilton_jd41.pdf)

"Inmate, locked up for 20 years for Brooklyn murder, says he'll be set free if witnesses testify," *New York Daily News*, February 13, 2011.

Kelly Turner, Compassionate Hands For Those In Need, USmile Magazine, December 10, 2009.

## Publicity Leads To Tossing Of Enraged Judge's Contempt Conviction Of Man For Smiling In Court

Jeffrey Blount made the mistake of smiling when he was in court January 6, 2011, on a harassment charge. Although harassment is only a minor violation, like a traffic ticket — Utica City Court Judge Gerald Popeo became so enraged at the 20-year-old Blount that he yelled "You're standing there with a grin that I would love to get off the bench and slap off your face!" Popeo then charged Blount with contempt of court, summarily found him guilty, and sentenced him to 30 days in jail, ending his tirade with "Have a good day, Mr. Blount!"

Blount's public defender Tina Hartwell promptly filed a motion in the Oneida County Court to overturn his contempt conviction. She argued that Judge Popeo didn't go through the proper procedures before finding Blount guilty of contempt of court and imposing a 30-day jail sentence. The motion was heard on Friday, January 7 by Judge Barry Donalty. He ruled that the proper avenue to challenge Blount's contempt of court conviction was in the New York Supreme Court.

The local media picked up the story and covered it over the weekend. Hartwell explained that Blount didn't do anything wrong because he smiled when he thought the judge had cracked a joke.

On Monday morning Judge Popeo ordered an unscheduled hearing, during which he vacated Blount's contempt conviction. Popeo justified his action by saying, "In my effort to address what I felt was inappropriate conduct and being upset with that conduct, I reacted with some intemperate words and did not fully and completely follow the procedure in place in order to hold a person in contempt."

Public Defender Hartwell was pleased with the judge's decision that was in response to the media and legal storm that was brewing because she was aggressively challenging what she believed was his illegal action against her client. Hartwell told reporters after the hearing, "This is what we do. This is our job. We're here to protect the people's rights, and that's what we did. It's our responsibility to follow through on these matters." After the hearing Judge Popeo's clerk told reporters he couldn't comment on the case due to ethics laws.

Contempt cont. on p. 17