

# Man exonerated 25 years after conviction

## Westchester County DA team reexamined case

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Twenty-eight years to the day that New York City police officers arrested him in connection with a murder-robbery he did not commit, Antonio Mallet walked out of a Bronx courtroom an exonerated man.

As Mallet, now 54 and residing in Brooklyn, stood before Judge Alvin Yearwood in a sparse courtroom in the Bronx Hall of Justice on Thursday, flanked by a team of attorneys, he spoke humbly of the ordeal that has consumed his life for nearly three decades.

"It's been a long road. For years, I fought this case on my own," he said. He added, "Nobody wanted to listen to me."

### It started with a shooting in the Bronx

In 1996, a man named Michael Ledeatte was shot and killed in the Bronx at what is believed to be a stolen car sale gone awry. Ledeatte had driven the car, a 1993 Lexus GS 300, to the site of the sale in the pre-dawn hours of a Tuesday morning.

His associate, Gregory Walker, was positioned around 140 feet behind the Lexus, waiting to collect Ledeatte after the sale and drive him back home. Instead, Walker saw two individuals approach the car, their faces obscured by their clothes and the dimly lit setting. One of them then shot Ledeatte.

After Walker called the police, he was detained and interrogated for over 19 hours, according to legal documents recently prepared by the team of attorneys handling Mallet's wrongful conviction case.

Walker then identified Mallet as the shooter, leading a jury to issue a guilty verdict in March 1999. But the credibility of this identification did not sit well with the trial judge at the time, who opined, "I don't know if he is guilty; having done this too long I just don't know," according to a transcript of those proceedings cited by Mallet's current attorneys.



Antonio Mallet, center, hugs attorney Deborah Francois as attorneys David Shanies and Ron Kuby look on after he had a murder conviction from the 1990s overturned by Judge Alvin Yearwood at the Bronx Hall of Justice on Sept. 26.

MARK VERGARI/THE JOURNAL NEWS

Nevertheless, the judge declined to throw out the verdict, and Mallet was sentenced to 20 years to life in prison.

In their new legal filing, Mallet's lawyers wrote that Walker "was the prosecution's only identification witness and only evidence linking Mr. Mallet to the crime."

"No physical, forensic, ballistic, or other evidence linked Mr. Mallet to the crime," they said.

Mallet was eventually released on parole in 2019. During the 20 years he spent in prison, Mallet submitted approximately a dozen separate legal challenges to his conviction. All of them were rejected. One of the judges who rejected several of his petitions, Darcel Clark, is now the Bronx district attorney.

### Case reassigned

It wasn't until Mallet was able to get his case reassigned to a different district attorney that momentum toward his exoneration started to build. Yearwood heard Mallet's most recent petition and referred it to the Westchester County

District Attorney's Office, which assigned the case to a special team that reviews claims of wrongful conviction.

Anastasia Heeger, who helms Westchester's Conviction Review Unit, wrote in a legal brief that Walker had originally implicated Mallet "only after giving five statements and being subject to hours of interrogation," including the suggestion from police that if Walker didn't identify a suspect, "police could conclude that he was the killer."

But in 2019, Heeger wrote, Walker fully recanted his identification, noting that "he did not see the shooter well" at the time and that he identified Mallet "after physical and psychological coercion" from police.

The lead detective on the case, Joseph Nieves, acknowledged to the Conviction Review Unit that "pressuring Walker with the empty threat of becoming a suspect was what triggered Walker to implicate Mallet as the shooter," Heeger wrote.

In a written statement during his interrogation, Walker wrote that Mallet shot Ledeatte twice in the head. Le-

deatte, in fact, had only been shot once. But the police didn't know that. An emergency room doctor had told a detective, wrongly, that Ledeatte had been shot twice, apparently mistaking an entry and exit wound for two separate entry wounds.

Mallet's attorneys said that once Westchester began investigating the case, the Conviction Review Unit obtained disciplinary records outlining multiple, prior allegations of misconduct against Nieves and a second officer in the case. "None of the officers' disciplinary records" were turned over to Mallet's defense attorney during the 1999 trial, the current team of attorneys wrote.

David Shanies, a civil rights lawyer who is part of Mallet's current team, said they plan on filing a federal lawsuit against the actors responsible for Mallet's conviction.

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