

\$3M award for man wrongfully convicted

Rochester judge cites jail time, mental toll

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A judge has awarded more than \$3 million to a Rochester man who was wrongly convicted of armed robbery and spent more than six years in prison.

In a ruling filed Tuesday, state Court of Claims Judge Scott Odorisi ruled that Anthony Miller provided at trial significant proof of innocence. “The Court cannot underscore the gravity of (Miller’s) lost liberty owing to a crime he did not commit,” Odorisi wrote.

For the state to be held liable for his wrongful conviction, Miller had to demonstrate “clear and convincing” evidence of innocence.

“He easily met the very high bar,” said Miller’s attorney, Elliot Shields.

Odorisi’s \$3 million judgment was based on damages for Miller’s mental health struggles and lost wages.

The arrest, conviction of Anthony Miller

Miller’s arrest arose from the 2013 armed robbery of a man on Genesee Street, who had his cellphone, cigarettes, keys and \$10 stolen from him in an exchange that lasted no more than 45 seconds. The victim also saw another man on a bicycle nearby whom he suspected to be involved.

See \$3M AWARD, Page 10A



**Rochester’s Anthony Miller spent
almost seven years in prison for a
crime he did not commit.** ROBERT

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\$3M award

Continued from Page 1A

The victim said that the robber was a Black man in a gray hooded sweatshirt and jeans.

Within minutes, a Rochester officer patrolling the area spotted Miller and another man in the driveway of a nearby home. Miller was in a red sweatshirt and sweatpants. He was also the first Black man encountered by the Rochester officer after the victim's call to 911, court papers state.

At the Court of Claims trial, Shields provided a timed re-creation of what police said had occurred: That within minutes Miller had sprinted a half mile from the crime scene, dashed into a house to change clothes, then again came outside to stand around with no signs of fatigue when approached by police.

"That's why we made that demonstrative video to show it was impossible that he did this," Shields said. As well, he said, "what dumb criminal just commits a robbery" then hangs out outside after a swift change of clothes.

In 2013 police searched the two men

and found nothing to link them to the robbery. They took them to the victim, who identified the two as the robber and the man on the bicycle. As Odorisi notes in his decision, eyewitness identification is now known to be unreliable, yet that evidence was the linchpin of the case against Miller and his ultimate conviction.

Miller appealed the conviction and a regional appellate court decided "there is considerable objective evidence supporting (Miller's) innocence." The conviction was reversed in 2020.

Post-release struggles

After his release Miller struggled with anxiety and depression. He was once charged with assaulting a police officer and also has had arrests for drunken driving. He is now serving a two- to four year sentence in state prison.

At the Court of Claims trial a licensed forensics psychologist testified that Miller had been severely psychologically damaged by being imprisoned in his 20s and that he saw authority figures as threats.

The psychologist, Trica Peterson, confirmed Miller's post-traumatic stress

"and alcohol misuse diagnoses, which included anger management, occupational retention problems, nightmares, and reckless behavior in the form of drinking and gambling," Odorisi wrote.

Before his successful appeal, Miller reached out to the conviction integrity unit of the Monroe County District Attorney's Office, which is charged with examining possible wrongful convictions. The unit decided there was not proof of Miller's innocence.

At the Court of Claims trial, Miller said he cried when he first learned of the unit in the DA's Office because he thought it could secure his freedom, Shields said. Miller testified that he again cried when the unit rejected his claims of innocence.

"The decision that we got from Judge Odorisi shows that the conviction integrity unit didn't fairly weigh the evidence in this case," Shields said.

What did Sandra Doorley say about office's failure?

Asked in 2021 about the office's handling of the case, District Attorney Sandra Doorley said, "At the time this case came in, we believed there was evidence beyond a reasonable doubt that Mr. Mil-

ler was guilty of the allegations, and a trial jury agreed with us.

"After the conviction, when claims of actual innocence were raised, we began to re-examine the case. This investigation was conducted at the same time as the appeal. Once the appellate court dismissed the indictment, the investigation into Mr. Miller's innocence became unnecessary, as he was now a free man."

Shields said the DA's unit had already again decided Miller guilty by the time of the appellate ruling and did not seriously reconsider. Internal DA memos received by Shields show plans to close the case a month before the appellate ruling.

In a 2021 interview with the Democrat and Chronicle, Miller said he wanted to ensure that the police and prosecutorial decisions that led to his imprisonment were not forgotten.

"Without accountability, the system will remain unjust," he said.

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