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FOR IMMEDIATE RELEASE

April 8, 2014

**Kings County District Attorney Kenneth P. Thompson Today Announces
Charges Are Dismissed Against Jonathan Fleming**

The Defendant Has Been In Prison Since 1989

Brooklyn, NY. Brooklyn District Attorney Kenneth P. Thompson today announced that the Office was dismissing murder charges against Jonathan Fleming, convicted in the 1989 shooting death of Darryl Rush. Fleming's release follows a thorough review of his case by the District Attorney's Conviction Review Unit. Fleming's case was finalized today in court before Judge Matthew D'Emic.

"Today's actions follow a careful and thorough review of this case, and based on key alibi facts that place Fleming in Florida at the time of the murder, I have decided to dismiss all charges against him in the interest of justice," said District Attorney Ken Thompson.

As a result of the CRU investigation, credible evidence has been uncovered to support the conclusion that Fleming was in Florida, rather than Brooklyn, at the time of the shooting. Fleming was apprehended on August 17, 1989, two days after the early morning shooting death of Darryl Rush, which occurred at approximately 2:18am on August 15, 1989. In Fleming's possession, and later found in files, was a receipt from a Florida hotel, time stamped for August 14, 1989 at 9:27pm—four hours before Rush was shot and killed in Brooklyn. At trial, Fleming asserted an alibi defense, and that receipt would have corroborated his defense.

Also, the CRU interviewed a former girlfriend of Fleming's who reported that she called Fleming on the night of August 15, 1989 while he was still at the hotel in Florida. This witness was found to be credible and phone records support her story. Other witnesses who claimed to have seen Fleming shoot Rush have either since recanted their testimony, or were found to be not credible.

The Conviction Review Unit, now headed by Harvard Law Professor Ronald S. Sullivan, Jr., continues its work on cases brought before the Unit for review to ascertain that justice has been done.

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