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## ***COMMUNITY PARTNER IN JUSTICE NOTIFICATION***

### **DA Vacates Manslaughter Conviction**

### **FIRST WOMAN TO BE EXONERATED BY CONVICTION REVIEW UNIT**

Brooklyn District Attorney Ken Thompson moved today to vacate the manslaughter conviction of Vanessa Gathers, who is 58 years old and served 10 years in prison and then five years on parole after she was wrongfully convicted of the charge following a 1998 jury trial.

In November 1991, Michael Shaw, a 71 year-old man living in Crown Heights, was severely beaten in his home. He suffered trauma to his head and went into a coma following surgery. Tragically, Mr. Shaw died of his injuries in April 1992. Shortly after his death, NYPD Detective Louis Scarcella questioned Ms. Gathers about the matter. She denied being involved in the assault but identified another woman who may have committed the crime and was released without being charged. Five years later, in 1997, following further investigation, Ms. Gathers was questioned again by Detective Scarcella and gave a confession. Her confession, which she recanted, was the sole evidence against her at trial.

After a thorough and fair investigation of this case, DA Thompson's nationally-recognized Conviction Review Unit and the Independent Review Panel of outside lawyers determined that there is substantial evidence that Ms. Gathers made a false confession, which was the only basis for her conviction at trial. The CRU found that her confession contained factual errors about when the crime occurred and false information about the victim, like claiming that he was in a wheelchair during the commission of the crime when he was not. Ms. Gathers also could not fully articulate her role in the crime during her confession and got the number of the actual perpetrators wrong. And other than her false confession, there was no evidence of her guilt.

The Conviction Review Unit examined the case because it was one of approximately 72 cases in which retired Detective Louis Scarcella was involved. Gathers is the first woman to have her conviction vacated by the CRU. To date, the work of the Unit has resulted in 18 convictions being vacated with approximately 100 cases pending review.

District Attorney Thompson said, "After a thorough and fair review of the case by my Conviction Review Unit and the Independent Review Panel, I have concluded that, in the interest of justice, the manslaughter conviction obtained against Vanessa Gathers should not stand and that she should be given back her good name."