

SUPREME COURT - STATE OF NEW YORK
CRIMINAL TERM PART K-11 QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NY 11415

P R E S E N T :

HONORABLE JOSEPH A. ZAYAS
ACTING JUSTICE

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

ROBERT JONES,

Defendant.

DECISION AND
ORDER OF THE
COURT

Ind. No. 4811/1994

Defendant, Robert Jones, was convicted after a jury trial of murdering Antoine Stone, who, prior to his death, had been preaching to drug dealers on a street corner. He now moves pursuant to Criminal Procedure Law § 440.10 (1) (b), (c), (d), (f), (g) and (h) to vacate the judgment rendered on May 28, 1996, convicting him of second-degree murder and second-degree weapon possession. Defendant argues that vacatur is warranted based upon newly discovered evidence (sworn affidavits from two witnesses who now disavow their identifications of defendant and allege that acts of misconduct by the police and prosecutor were responsible for the procurement of their identifications), alleged *Brady* and *Rosario* violations, and the ineffective

