

State of New York)
) s.s.:
County of QUEENS)

[REDACTED], being first duly sworn, hereby deposes and states the following to be true:

1. I now live at **[REDACTED]**
2. My maiden name is **[REDACTED]**
3. In September 1994 I lived on Mott Avenue in Far Rockaway.
4. I testified in the March, 1996 trial of Robert Jones.
5. At about midnight on September 9, 1994, I was looking out my window. I did see two people standing and talking in front of my house. One of the people with a bike went across the street, approached someone walking, and although I did not see a gun, apparently shot him. I heard two "pow pows."
6. A day or two after the incident detectives came to talk to me. I told the detectives that while I was at my window I could not identify the person on the bike standing in front of my house and who then crossed the street and apparently shot the victim. I was never able to identify the faces of either of the two people including the man I saw with the bike crossing the street.
7. After this first interview the two detectives kept returning to my house, even though on each occasion I told them I could not identify either of the two men I

saw outside my window.

8. After the detectives kept coming back to my house, I repeated to them that I could not help them because I could not identify either of the persons. On one occasion I refused to open the door. The detectives said if I did not open the door to let them in, they would get a woman police officer to open the door.
9. A few weeks after the incident they returned again and said they were taking me to a lineup at the police precinct.
10. During the car ride to the precinct the police told me that a witness had already picked out the murderer and I was "messing" it up because I was not helping to identify the person with the bike.
11. When we arrived at the precinct, instead of taking me directly to the lineup, they sat me at a desk and opened up a book that contained a lot of photographs. The detectives flipped through the pages and one said "We'll make it very easy for you, this is the guy" and pointed at one of the photographs. I told them "I never seen this guy."
12. The detectives then took me to the lineup. The person who they had showed me in the photograph a little earlier appeared to be standing straight in my face. I jumped back and a detective said to me that I jumped back because I must know the person.
13. The only person I recognized in the line up was the person I saw in the photograph

that the detective showed me.

14. To the best of my recollection, shortly before I testified, the detectives picked me up at my house and said they were taking me to the courthouse to talk to a prosecutor.
15. I was taken to an office with the same prosecutor who questioned me at the trial. I sat down in front of the prosecutor's desk and the detectives waited outside. The prosecutor showed me a tape recorder and said that she was going to tape the interview. The prosecutor asked me if I could identify the person on the bike outside my house who crossed the street. I said "No."
16. The prosecutor then said how could I not know - other witnesses had seen me at the window. I told her I was at the window but was unable to identify the person on the bike.
17. The prosecutor said "why don't you tell us the truth" and she became extremely upset and very annoyed. I told her that I was telling the truth. I could not identify the person and that I was never able to identify either the man on the bike or the other man.
18. The prosecutor then got up from her chair behind the desk and appeared to turn off the tape recorder. She then left the room to speak to the two detectives who were waiting outside and said to them "it's not working as you said it would" and "take her to another room and straighten this out."

19. I was wondering what the detectives had said to her because I always told the detectives that I could not identify the person on the bike.
20. Instead of taking me to another room the prosecutor walked out and the detectives came into the office.
21. When the two detectives returned to the room, they took out a book and opened it again to a photo of who I later learned was the defendant, Mr. Robert Jones. One of them said "this is the picture of the guy we showed you when we were at the police station in Far Rockaway." I told the detectives, "You may know him but I do not know him and cannot identify him."
22. The detectives then told me: when you go to court the Judge will ask whether you saw the person before, just say "Yes."
23. The detectives kept telling me that a witness had already identified the man and I was the one who was "messaging" this up. The police told me that many times, before the lineup, at the lineup and before I testified.
24. The detectives repeated: you will be asked if you saw the guy, all you have to do is answer "Yes."
25. Everything I tried to tell the detectives, they twisted. They kept saying, whoever asks you, just say "yes."
26. When I was answering "yes," I was identifying the person I saw in the book.
27. When the detectives took me to court, they never told me that I would be

testifying. I did not think there was anything that I could say.

28. On one occasion I said "What more do you want. I cannot help you." The police told me that if I knew what took place and would not talk about it, I would be locked up.

29. On another occasion, the detective said, "don't worry, he's not going to jail. He will be sent some place where he will be helped."

30. After the trial, the detectives came back to my house, told me that Mr. Jones had been convicted. I then said to the detectives "I thought he was not going to jail." One of the detectives replied that there was so much evidence against him that they could not give that offer of helping Mr. Jones without him going to jail.

31. The detectives then said that I would now be entitled to some money from the government. I told the detective "Get off my step. I don't want any money."

32. From the start I told both the detectives and the prosecutor I could not identify the person on the bike in front of my house that evening.

33. I feel very badly that my words were twisted into an identification of Mr. Jones when I really was never able to identify him.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sworn to before me this
13 day of February, 2013.

[REDACTED]
[REDACTED]

Notary Public

COMMISSIONER OF DEEDS
CITY OF NEW YORK - NO. 36993
DEPT. FILED IN NEW YORK COUNTY
COM. EXPIRES 3/1/14