



For Immediate Release
Thursday, December 14, 2017

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LDF Celebrates Ruling From New York’s Highest Court to Help End Racially-Tainted Wrongful Convictions

The New York State Court of Appeals today [ruled](#) that New York courts must instruct juries about the likelihood of eyewitness misidentification when the observer-witness is a different race than the suspect. The ruling in *People v. Boone* makes New York the fourth state to mandate such a robust jury instruction.

Eyewitness misidentification is the leading cause of wrongful convictions in the American criminal justice system. More than 70 percent of DNA exoneration cases stem from misidentification, and nearly half of those cases involved cross-racial misidentification. Due to pernicious racial disparities throughout the criminal justice system, these misidentifications and ensuing wrongful convictions disproportionately impact Black defendants. By requiring that juries be informed of the hazards of cross-racial identifications, this ruling recognizes and begins to correct the routine denial of justice perpetuated by inaccurate eyewitness identifications.

The NAACP Legal Defense and Educational Fund, Inc. (LDF) and other members of the New York legal community filed [briefs](#) with the New York State Court of Appeals urging that juries be instructed of the proven influence of race on a witness’s ability to correctly identify suspects in all appropriate cases.

Otis Boone, a Black man from Brooklyn, was convicted of two counts of robbery in the first degree for two separate incidents based solely on the eyewitness identification of two white victims – one of whom was attacked from behind. With no supporting evidence and unaware that eyewitnesses are more likely to misidentify a person whose race is different than their own, the jury found Mr. Boone guilty; he was ultimately sentenced to 15 years in prison.

Assistant Counsel, [Marne Lenox](#), one of the lead authors of LDF’s friend of the court brief, said this ruling sends an important signal to legislatures and courts across the country.

“The deck is stacked against people of color throughout our criminal justice system,” said Lenox. “This decision helps level the playing field and prevent future wrongful convictions, especially of defendants of color, based on scientifically dubious cross-racial identifications. We hope other states will follow New York’s lead and enact commonsense reform.”

As a result of *People v. Boone*, in all appropriate cases, New York courts must instruct juries on the proven effect of race on an eyewitness’s ability to correctly identify suspects.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.