



Angelo Martinez

On April 10, 1985, 70-year-old Rudolph Marasco was shot to death while leaving a bingo hall in Queens, New York.

Two days later, a witness, 19-year-old James Schweigert identified Angelo Martinez, 19, in a photo lineup.

On May 3, 1985, Schweigert identified Martinez in a live lineup and Martinez was charged with murder. At the same time, a friend of Martinez, John Padilla, was also taken into custody. Police said he told them that Martinez had admitted shooting an old man.

Martinez went on trial September 4, 1986. Schweigert identified Martinez as the gunman, although he did not disclose that a friend of his had previously accused Martinez of assault. Padilla testified that he implicated Martinez after police threatened to charge him with the murder.

Martinez was convicted on September 10, 1986 and sentenced to 25 years to life in prison.

In March 1989, Charles Rivera, a cooperating witness in a federal investigation disclosed that he had committed the murder. Authorities didn't believe him and their disbelief seemed to be confirmed when Rivera failed a polygraph exam.

However, in his statement, Rivera provided a missing element—motive. He said that Marasco lived in a building owned by Frank Sgro, father of his half-sister. Sgro wanted to sell the building, but Marasco wouldn't move out, so – according to Rivera – Sgro hired Rivera for \$10,000 to kill Marasco.

The building was sold four months after Marasco was murdered.

Though federal authorities didn't believe Rivera, they passed the information to the Queens County District Attorney's Office. The information was then passed on to Martinez's attorney, Jenny Maiolo, but she did nothing.

In 2001 James Quinn, then deputy chief of homicide in the Queens County District Attorney's Office, checked and discovered that Maiolo had not acted on the information. He re-assigned the case to a prosecutor and two detectives for a re-investigation. Maiolo was later disbarred for actions in an unrelated case.

During an interview, Rivera told them that he had killed Marasco and disclosed that he had used copper-jacketed bullets—a detail that had never been publicly disclosed. He also said he was chased by two people after the shooting—a fact that was confirmed in police reports.

Ultimately the investigators found a man that Rivera said was his driver that night, and that man confirmed that he drove Rivera to the bingo hall where the shooting occurred.

On June 12, 2002, a joint motion by defense attorneys for Martinez and the

State: New York

County: Queens

Most Serious Crime: Murder

Additional Convictions: Illegal Weapon

Reported Crime Date: 1985

Convicted: 1986

Exonerated: 2002

Sentence: 25 to Life

Race: Hispanic

Sex: Male

Age: 19

Contributing Factors: Mistaken Witness ID, Perjury or False Accusation

Did DNA evidence contribute to the exoneration? No

prosecution was presented in court. The murder conviction was overturned and the charges were dismissed.

On July 22, 2002, Martinez was released on bail, pending disposition of a federal conviction for selling cocaine in prison after he was locked up for the murder conviction. That sentence, 292 months, was later commuted to time served, in part because the lengthy term was the result of an enhancement based on his murder conviction.

Martinez later filed a \$50 million lawsuit in the New York Court of Claims. The suit was settled for a substantial but undisclosed amount.

– *Maurice Possley*

[Report an error or add more information about this case.](#)

EXONERATION NEWS

[MORE NEWS...](#)

CONTACT US

We welcome new information from any source about the exoneration cases that are already on our list and about new cases that might be exoneration cases. And we will be happy to respond to inquiries about the Registry.

- + [Tell us about an exoneration that we may have missed](#)
- + [Correct an error or add information about an exoneration on our list](#)
- + [Other information about the Registry](#)

ABOUT THE REGISTRY

The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

Follow Us:  

Copyright 2012. All rights reserved.





Search

 Northwestern

Search Help

 Northwestern Law

Center on Wrongful Convictions of Youth

[home](#) [about](#) [exonerated youth](#) [model legislation](#) [resources](#) [news](#) [contact](#)

Our thoughts on
oversentencing youth



CWCY video trailer
See why this issue
demands attention!



Visit us on Facebook



Visit us on Twitter



Cases We're
Following

**Angelo Martinez**

State:New York
Incident Date:04/10/1985
Age at Arrest:19
Conviction Date:09/10/1986
Age when Exonerated:36
Exonerated Date:07/2002
Time Served:17 years
Conviction:Murder
False Confession:No
Implicated by Another Youth:No

Details

Nineteen-year-old Angelo Martinez was wrongfully convicted of murder in 1986 and sentenced to twenty-five years to life in prison. A witness erroneously placed him at the scene of the crime, and another claimed that Martinez told him he was the murderer. In 1989, Charles Rivera, a federal prisoner in the witness protection program, confessed to the crime. Authorities did not believe him since he failed a lie detector test. Martinez's lawyer learned about the confession, but did nothing about it and was later disbarred. After further investigation by an assistant district attorney, Martinez's case was reopened, and his name was cleared. While in prison, Martinez was caught selling cocaine to other prisoners, so although he was exonerated of the murder, he had to return to prison to continue serving his drug sentence.

[Return to Exonerees List](#)


Center on Wrongful Convictions of Youth
Northwestern University School of Law 375 E. Chicago Avenue, Chicago IL 60611-3069
Phone: (312) 503-8576 E-mail: cwcy@law.northwestern.edu
[World Wide Web Disclaimer](#) and [University Policy Statements](#) © 2009 Northwestern University

<http://www.nytimes.com/2002/12/21/nyregion/tale-of-guilt-in-jogger-rape-echoes-claim-in-earlier-case.html>

Tale of Guilt in Jogger Rape Echoes Claim in Earlier Case

By JIM DWYER

Published: December 21, 2002

In the first week of October, a prison inmate named Pedro Hernandez stepped forward with what seemed like an explosive claim: from jailhouse conversations, Mr. Hernandez said, he had learned that the five teenagers originally convicted in the 1989 Central Park jogger case were actually guilty. He urged that they not be cleared.

This month, former law enforcement officials, citing Mr. Hernandez's statements and other issues, assailed the decision by the Manhattan district attorney, Robert M. Morgenthau, to call for the convictions to be overturned. Yet Mr. Hernandez's versions of events never made it to court, and were not mentioned in the decision issued Thursday by Justice Charles J. Tejada of State Supreme Court in Manhattan, which overturned the convictions.

Mr. Morgenthau, it turns out, was not the first district attorney to reject information from Mr. Hernandez.

At least twice this year Mr. Hernandez volunteered to debunk claims of innocence by convicted men. Both times, he said that he had inside information proving the guilt of people who said they were wrongly convicted, and whom the authorities were poised to exonerate. The jogger case was the second of his unavailing efforts.

In late June Mr. Hernandez, who is serving 25 years to life for murder, offered himself as a witness against Angelo Martinez, who had served 17 years on a murder conviction that Queens prosecutors had come to believe was a terrible mistake. Two weeks after all the city's newspapers reported that the Queens district attorney's office would seek to overturn Mr. Martinez's guilty verdict, prosecutors began to receive letters from Mr. Hernandez.

Just as he would do in the jogger case in the autumn, Mr. Hernandez delivered a warning: Mr. Martinez was guilty; do not exonerate him, according to officials in Queens.

"In effect, he was saying, 'You guys got it wrong,' and that Angelo Martinez had committed the murder we had just cleared him of," said Charles A. Testagrossa, a deputy executive assistant district attorney in Queens.

Mr. Testagrossa said that even though he already felt certain that Mr. Martinez was innocent of executing a landlord, investigators visited Mr. Hernandez in prison to see if he had any new information. They were not impressed, Mr. Testagrossa said.

"He was either misinformed, or he was making it up," Mr. Testagrossa said, recalling that Mr. Hernandez provided details about blood drops sparkling in the sunlight, although the murder happened at 10 p.m.

Another senior prosecutor in Queens, James Quinn, said, "I wouldn't believe a thing this guy says, to tell you the truth. He had very little credibility. The next case that shows up in the press, he'll be writing more letters."

In fact, Mr. Hernandez did begin writing letters about three weeks after the new investigation of the Central Park jogger case received extensive news coverage. The first of his letters arrived at the Manhattan district attorney's office on Oct. 7. At that point it was clear that the prosecutors were seriously considering the step they eventually took, calling for the convictions to be overturned.

"You're making a big mistake," Mr. Hernandez wrote. In another letter, he warned: "You're going to make a fool of yourself."

The gist of Mr. Hernandez's account is that he had become a good friend of another prisoner, Matias Reyes, who told him about the rape of the jogger in Central Park.

As Mr. Hernandez told it, Mr. Reyes was walking through the park when he heard screams and came upon a crowd of teenagers assaulting the woman. In one version, Mr. Hernandez said that the arrival of Mr. Reyes frightened off the teenagers, and that he then raped the woman. In another, Mr. Hernandez said Mr. Reyes asked them if he could join the attack, and then waited his turn.

Mr. Reyes did rape the woman -- his DNA was found in semen collected from her body -- but no physical evidence from the teenagers was found. And in the confessions from the five teenagers, none mentioned Mr. Reyes or anyone else arriving during the attack, either to frighten them away or to join them. The accounts given by Mr. Hernandez also contradicted the version Mr. Reyes gave the authorities, and which prosecutors say is generally consistent with the physical evidence: he alone struck the victim, dragged her into the woods and assaulted her.

Not so, wrote Mr. Hernandez in a letter: "He was helped by the five guys doing time for it now." In fact, all five had finished their sentences for the crime when he wrote. Mr. Hernandez also said that Mr. Reyes "was threatened to do what he did to help get them out of prison."

He concluded one letter with this offer: "If you want a star witness, I'll help you."

Mr. Morgenthau's office has made no comment on the Hernandez accounts.

Notes from Innocent: Inside Wrongful Conviction Cases, by Scott Christianson
pages 178

http://books.google.com/books?hl=en&lr=&id=WWpYgZP-9zUC&oi=fnd&pg=PR7&dq=polygraph+%22wrongful+conviction%22&ots=FuL_ywFQFM&sig=WKJ1wccryI8Tbbs_zOoXEoTsLDI#v=onepage&q=polygraph%20&f=false

(searching Google Scholar for polygraph and “wrongful conviction”

Angelo Martinez was convicted of murder in Queens County and sentenced to twenty-five years to life in 1986. While in prison in 1992 he was convicted of a federal drug offense. However, in 2002 his murder conviction was overturned and the charge dismissed by a Queens judge after prosecutors acknowledged that a contract killer had confessed to the crime in 1989 and that his confession had been supported by a polygraph test.

Conviction For Murder 17 Years Ago Is Overturned

By SARAH KERSHAW
Published: June 14, 2002

From the time an old man was gunned down after an evening of bingo in Queens in the spring of 1985, just about everything that could have gone wrong for Angelo Martinez did.

Then 19 and living in Brooklyn, Mr. Martinez was arrested and convicted for the murder and sentenced to 25 years to life in prison. A few years later, in 1989, a hit man working as a federal informant confessed to killing the man, Rudolph Marasco, 70, outside a bingo hall in Ozone Park. But the authorities thought the informant's admission was a lie, and a polygraph test confirmed their suspicions.

Even so, prosecutors said they told Mr. Martinez's defense lawyer about the confession, but the information never made it from the lawyer -- who later had legal troubles of her own and was disbarred because of an unrelated case -- to Mr. Martinez. A few years after that, in 1993, Mr. Martinez was caught selling cocaine to other prisoners. Partly because of his murder conviction, he was given a stiff sentence: another 292 months in prison, to be served concurrently with the murder sentence.

Yesterday, after spending more than half his life in prison for a crime he did not commit, Mr. Martinez's bad fortune was partially reversed, when a new investigation into his case opened by the Queens district attorney last August persuaded a judge to dismiss the murder conviction.

"The conviction of the innocent is what frightens us all in this system," said Justice Steven W. Fisher, of State Supreme Court in Queens, before dismissing indictment No. 2287 of 1985.

Looking toward the defense table at Mr. Martinez, whose hair was a lot thinner than the last time he was in his court, Justice Fisher added, "Mr. Martinez, the consequences for you have been terrible -- for you and your family. I can only express my sorrow on behalf of the entire system."

Weeping, Mr. Martinez said, "I cannot thank you enough. You gave me back my life."

But tearful and grateful as he was, instead of relishing the Hollywood moment that features the wrongly accused bounding from the courtroom a free man, Mr. Martinez was handcuffed again and sent back to prison, possibly for another 15 years.

His new lawyer, Mark L. Potashnick, said he was pursuing the possibility of reducing Mr. Martinez's sentence for the drug conviction since it was based, in part, on his record as a convicted murderer. He insisted that Mr. Martinez had turned to selling drugs in prison because his circumstances had been so miserable.

"He was thrown into a desperate situation," Mr. Potashnick said. "He would have never been in that jail" if he had not been wrongly convicted of the murder.

But Mr. Martinez did have a prior assault conviction, a felony, which made him a three-time felony offender as far as the legal system was concerned at the time that he was being sentenced for the drug offense.

Mr. Martinez was cleared yesterday of the second-degree murder charge after his case took a long, winding and bizarre path through the criminal justice system.

He was convicted on Sept. 10, 1986, after a witness testified to seeing Mr. Martinez at the scene of the crime. Another witness testified that Mr. Martinez had told him about committing the murder.

In 1989, federal prosecutors informed the Queens district attorney's office that an inmate cooperating with them in another case, Charles Rivera, had admitted to the 1985 murder. They said that Mr. Rivera told them that the victim had lived in a building owned by someone he knew and that the landlord had arranged for Mr. Rivera to kill the tenant so that he could sell the building.

But Mr. Rivera failed a lie detector test. Prosecutors said they turned this information over to Mr. Martinez's lawyer, assuming the defense would investigate. They heard nothing.

Twelve years later, an Queens assistant district attorney, James C. Quinn, was investigating a case involving a possible wrong conviction last August and decided to reopen the Martinez case.

<https://antipolygraph.org/news/polygraph-news-011.shtml>

22 July 2002 "After 17 Years, He Walks Free" (Faith in Polygraph Helped Keep Innocent Man in Prison)

Newsday staff correspondent Joshua Robin reports on the case of Angelo Martinez, who was wrongly convicted of murder. Excerpt:

Buffalo -- A Brooklyn man wrongly convicted of murder 17 years ago walked free yesterday into the arms of his mother, who said she never lost faith she'd see justice for her youngest son.

Gloria Viruet, 62, of Bensonhurst, stooped from arthritis and clutching a worn handkerchief, collapsed in the embrace of her son Angelo Martinez in the courthouse lobby. A moment later, the pair burst outside into a muggy afternoon.

"Fresh air for Chulo," Viruet called to Martinez, 36, using his boyhood nickname and waving the air into his face. He marveled at walking outside free of guards and shackles.

"A few months ago I didn't think this would ever happen," Martinez said after U.S. District Court Judge John T. Curtin released him on \$10,000 bond.

"My mom, boy, she was my rock. She kept me strong," said Martinez, who spent 10 years in prison even after another man confessed to the crime. Martinez must return to court in September to face sentencing for selling drugs from prison.

Assistant U.S. Attorney William J. Hochul Jr. predicted that after a total of 17 years locked up, Martinez would be placed on probation when sentenced in September. Martinez, who has surpassed sentencing guidelines for selling drugs, has said he sold the drugs so he could afford a better attorney.

Martinez was 20 when a Queens judge sentenced him to 25 years to life for the April 10, 1985, murder of Rudolph Marasco, 70, who was killed while leaving an Ozone Park bingo hall.

Martinez's current lawyer, Oscar Michelen, said his client's attorney during the murder trial has since been disbarred. He said she ignored a 1991 letter informing her another man had confessed to the crime during a federal drug probe.

Authorities didn't believe Charles Rivera, a federal prisoner in the witness protection program, because he failed a lie detector test, which Michelen said was flawed.

Further investigation by the Queens district attorney's office later confirmed Rivera's confession that he killed Marasco as a favor to another man over a rent dispute.

At the urging of Executive Assistant District Attorney James Clark Quinn, the case was reopened.

"If this happened in Texas, he'd have been dead already," Michelen said.

Search bar with search icon

Tweet 0 Like

Pricing Information:

This clip is not available for online purchase.

Request Further Details

Related Keywords

- moods emotions conduct families family life glorida viruet today new york studio prisonerrelease interviews oscar michelin

No preview currently available. Would you like to see a preview of this clip? Please contact the collection owner listed in the clip details at 855-NBC-VIDEO.

5114419139_s12 RM Rights Managed

Table with clip details: Owner: NBC News, Clip Name: 5114419139_s12, Date: 7/24/02, Title: Angelo Martinez, Who Was Freed After 17 Years for a Crime He Did Not Commit, Discusses His Experience, Production Unit: TDY, Media Type: AS, Media ID: NY-TDY-20020724-0001, Ardome ID: 1100100612200942422, Hit Time: 07:32:57, Duration: 00:05:05:00, Location: Today New York Studio, Era: 2000s, Personalities: Martinez, Angelo; Michelin, Oscar; Viruet, Glorida;

Long Description: 7:32:57 (:09) INT MS: Freed prisoner Angelo Martinez exits room with his lawyer and mother. In studio interview with Matt Lauer, Martinez, sitting with his lawyer Oscar Michelin and mother Gloria Viruet) notes that it's overwhelming to be home and trying to get his life in order. Martinez notes that a friend of his testified in his trial that he saw him commit the murder. Martinez notes that he was convicted of selling drugs in the prison and that he sold drugs because he needed money to retain a lawyer who could prove that he was innocent. In interview Viruet says that she had lost faith that she was going to see her son free from prison, says that she never lost faith in his innocence. In interview Michelen notes that a drug informant for the federal government confessed to an agent that he committed the murder that Martinez was found guilty of, says that the information was given to the Queen's District Attorney and that the DA's office gave a quick polygraph test to the informant who confessed to committing the crime, says that the informant failed the polygraph test, but that the info was given to Martinez's then attorney.