



Lamont Branch

On March 26, 1988, Danny Josephs, a cocaine dealer, was fatally shot in a second-floor apartment of a building known as "The Plaza" in Brooklyn, New York.

Fourteen months later, police were questioning two crack cocaine addicts named Thomas Edwards and Shorn Green about a different murder when both implicated Lamont Branch in the murder of Josephs. They said that Branch had forced his way into the apartment and shot him.

When arrested, Branch, 23, told police that he had been told there was a problem at the apartment and when he approached the door, he heard a gunshot. He said he entered the apartment and found Josephs had been shot. He said he yelled for someone to call 9-1-1 and left the apartment.

By the time Branch went to trial in April 1990, members of Branch's family had told his defense lawyer that the killer was Branch's brother, Lorenzo, and that Lorenzo had admitted to the killing. One family member, a sister, said she had concealed a weapon at Lorenzo's request.

At trial, Green and Edwards identified Lamont Branch as the killer. Although Branch's lawyer told the jury in his opening statement that witnesses would testify that his brother was the killer, by the time the prosecution rested, all of the family members had either refused to testify or disappeared. The jury deliberated for two days—announcing twice it was deadlocked—before convicting Branch of second degree murder, second degree burglary and criminal possession of a weapon.

Branch was sentenced to 25 years to life in prison.

It was then that his family members became pro-active in trying to show that Lorenzo Branch was the killer. Requests to vacate the conviction were denied, however, in March 1993 and May 1994.

In July 1994, Lorenzo Branch, in the presence of his mother, gave a statement to a Legal Aid attorney that he had tried to enter the victim's apartment, but was refused. Ultimately, Josephs opened the door and pointed a gun at Lorenzo. A struggle ensued and the gun went off, killing Joseph, Lorenzo said.

Lorenzo provided a more detailed version that was video-taped in December 1994, though he refused to give it under oath. In 1997, Lamont Branch obtained another post-trial hearing, but Lorenzo invoked his right against self-incrimination and refused to testify.

The motion for a new trial was denied.

In October 2001, one of the original trial witnesses, Shorn Green, recanted and said she had lied to implicate Lamont Branch. Green told the New York Times that she had been given \$20 in compensation each time she came to the police station for questioning. She said she had not been at the scene at all.

State: New York

County: Kings

Most Serious Crime: Murder

Additional Convictions:

Reported Crime Date: 1988

Convicted: 1990

Exonerated: 2002

Sentence: 25 years

Race: Black

Sex: Male

Age: 23

Contributing Factors: Perjury or False Accusation, Official Misconduct

Did DNA evidence No

contribute to the exoneration?

:

In March 2002, at another post-trial hearing, Lorenzo Branch finally testified under oath and admitted he had killed Josephs. Thomas Edwards, the other prosecution witness who had implicated Lamont Branch, also recanted.

On September 10, 2002, Justice James Starkey vacated Lamont Branch's convictions and then Branch pleaded guilty to possession of a gun. He was sentenced to four to 12 years in prison, given credit for time served and released.

At the sentencing hearing, Lamont Branch testified that he and his brother were both drug dealers and that Lorenzo and another man, John Green, had begun dealing with Josephs until a dispute arose over \$5,000 worth of cocaine. On the night of the shooting, Lamont Branch said, a neighbor came to him and said that Lorenzo and Green were pounding on Josephs' door.

Lamont Branch said he grabbed his own pistol and went there only to hear a shot as he got to the door. The door then opened and Lorenzo Branch and Green ran out.

Lorenzo Branch was not prosecuted.

– *Maurice Possley*

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

CONTACT US

We welcome new information from any source about the exoneration that are already on our list and about new cases that might be exoneration. 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](#)

Center on
Wrongful Convictions
 Bluhm Legal Clinic
Northwestern Law

 Michigan Law
UNIVERSITY OF MICHIGAN LAW SCHOOLS

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.

Notes from Innocent: Inside Wrongful Conviction Cases, by Scott Christianson
pages 48-49

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”

Lamont Branch convicted in 1989 of murder. 25 years to life, Brooklyn.

Lamont and mother tried to convince DA to give Branch a polygraph in prison, but DA declined.

So Lamont had privately funded exam by Joseph Barry on May 22, 1997 in prison. Lamont passed.

<http://abcnews.go.com/US/story?id=91825&page=1>

Brother's Shocking Secret to Be Revealed

By Bryan Robinson

abcnews.go.com



Convicted Murderer's Brother Says He's the Real Killer

Ruthel Branch is in a no-win situation: to win one son's freedom, she must encourage another son to give up his own.

For almost 13 years, she has watched her sons Lamont and Lorenzo live what relatives — and Lorenzo himself — say is a lie.

Since 1990, Lamont Branch, 38, has been serving a 25-year-to-life sentence for the 1988 murder of a reputed drug dealer and family friend.

But Lorenzo Branch says that he, not his younger brother, is the real killer. Lamont had nothing to do with the slaying, and Lorenzo says he has let his younger brother stay in prison for a crime he didn't commit.

After more than a decade of silence and aborted promises to testify, Lorenzo, 41, now seems willing to do everything he can to free his brother — including testifying under oath this Friday before a judge and prosecutors who could put him in prison.

Ruthel Branch has mixed feelings about Friday's hearing, saying with a nervous laugh that she's keeping her "fingers crossed and toes crossed." She is doing her best to remain optimistic.

"I have a feeling things will work out for the both of them," she said. "It's funny, I'm looking forward to getting a sense of a kind of closure, but it's also kind of scary, too. If Lorenzo has to go to jail, I just hope it's not as long as Lamont has had to spend. I just want some good to come out of this."

Decade of Silence and False Promises

In April 1990, Lamont Branch was convicted of murder in the shooting death of Danny Josephs, a family friend who was also the godfather of one of his children. Josephs was shot during an altercation in his Brooklyn apartment on March 26, 1988, and died five days later. Josephs' slaying went unsolved for more than a year until two crack addicts arrested in an unrelated incident implicated Lamont.

The two witnesses told police they saw Lamont — who, like Lorenzo, wore long dreadlocks at the time and bore a striking resemblance to his brother — go into Josephs' building. They said they knew Lamont because they had bought drugs from him in the building, a charge he has denied. Shortly afterward, they told police, they heard gunfire.

Lamont was arrested in August 1989 and charged with Josephs' murder. He denied any involvement in the slaying.

At the time of Lamont's arrest, Lorenzo had already confessed his involvement in the killing to his family, family members and lawyers in the case have said. They say that Lorenzo told the family he went to visit Josephs at the apartment and that they got into a heated argument. During the argument, Lorenzo said, he saw Josephs reach for a gun. A struggle ensued that ended with a single shot and Josephs being mortally wounded, according to the account.

"It was a mistake, you know? It was nothing done intentionally," Lorenzo Branch said in an unsworn videotaped statement he gave to Lamont's Legal Aid attorneys in 1994. "I knew him, man, I know his kids, his mother his wife. ... I didn't know he was gonna pull out a gun. I just didn't want to get myself hurt."

However, Lorenzo did not give a statement to police because he was too scared, the Branches' attorneys said. The Branches' sister Belinda and Lamont's ex-wife, Brenda Gilbert, gave sworn depositions to prosecutors reporting the confession, but Lamont's defense says they never investigated their claims.

Meanwhile, Lorenzo remained silent. Lamont Branch's current lawyer, Sara Bennett, says that Lorenzo contacted Lamont's lawyer at the time, Harvey Mandelcorn and asked him, hypothetically, what would happen if he admitted he was the killer. Mandelcorn told Lorenzo that he should contact a lawyer and turn himself in.

But Lorenzo never did. Neither Belinda nor Gilbert were called to testify and Lamont's trial and in April 1990 Lamont was convicted of Josephs' slaying and sentenced to 25 years to life in prison.

Brothers' Bond Disintegrates

Lamont's conviction has been upheld in multiple appeals. Meanwhile, Ruthel Branch has watched the relationship between her two sons disintegrate.

Lorenzo has not visited his brother in prison. Other than a brief phone conversation, the two brothers have not spoken in 13 years. While Lamont has missed watching his seven children grow up, Lorenzo has pulled his life together. Unemployed and living on public assistance at the time of the slaying, he has since married and is now the supervisor of a construction crew.

In November, Lorenzo, under the counsel of a new lawyer, admitted his involvement in Josephs' slaying in a sworn affidavit, which led to Friday's hearing. "My brother was wrongfully convicted of murder in connection with the death of Danny Josephs," Lorenzo said. "I know that to be a fact because I killed Mr. Josephs."

Mrs. Branch said that a combination of pressure from family members and the weight of his conscience pushed Lorenzo to testify. Lamont, she said, had been in prison too long for a crime he did not commit, and Lorenzo realized they were both getting older. If he were set free, Lamont could still try to recapture his life and start anew. If Lorenzo had to serve time in prison, he could possibly still be paroled before he was 70 years old.

Mrs. Branch does not condone Lorenzo's actions, but said she understands his hesitancy to come forward all these years.

"He was scared," she said. "He understands what it's like to be black and poor and not able to afford an attorney. ... I just hope he gets a fair chance if he has to go on trial. I just want the best for the both of them."

But Lorenzo's anticipated confession Friday will not win back his brother's love. From the Shawangunk Correctional Facility near upstate New York, Lamont recently told *The New York Times*: "He's a murderer. And a coward at that. I would never do something like that, let your brother go to jail for you. ... I've lost everything. He hasn't lost anything."

A Feeling of Déjà Vu

Lamont and his attorney Bennett, at The Legal Aid Society, are not overly optimistic about Lorenzo's anticipated admission for the first time in court. Fear of prison — and what he would lose if he is incarcerated — have dissuaded Lorenzo from helping his brother in the past, and Lamont and his attorney are praying that he will not back out this time.

"We're hoping that Lorenzo will testify but there's just no telling what he will do at the last minute," said Bennett. "Lorenzo has promised to testify before and he's gotten cold feet. This is Lamont's last chance at freedom ... he knows it and I know it."

For Lamont, déjà vu surrounds Friday's hearing. In 1994, Lamont was persuaded to give an unsworn videotaped confession. By 1997, the videotape persuaded the judge at Lamont's trial, Justice James Starkey, to grant a motion to allow Lorenzo to give sworn testimony in court.

When Lorenzo took the stand, he testified that he had firsthand knowledge that his brother was innocent — and then he invoked his Fifth Amendment right against self-incrimination. He refused to tell the court about his alleged involvement in Josephs' slaying

"It's hard to say how he [Lamont] feels. He's very bitter about what's happened to him, how much time he's had to spend in prison. I guess we're cautiously optimistic but it's hard for him to really feel hopeful," said Bennett. "He tries very hard not to get his hopes up too much. He's had so many times where he was supposed to get out of prison — he should have gotten out of prison — and he didn't."

Skepticism Over 'Self-Serving' Statement

Lorenzo Branch's attorney Bruce Barket refused to let his client comment on the case, and declined to say what he would do in court.

The Kings County District Attorney's office refused to comment, saying Lorenzo's case is in its early stages and they preferred to leave the legal arguments in the courtroom. But prosecutor Kenneth Taub has said in the past that he will keep an "open mind" about the case.

Still, in court proceedings, prosecutors and Justice Starkey have had their doubts about Lorenzo's claims.

They have said that there are inconsistencies between Lorenzo's account of the killing and the statements provided by his relatives. They also have noted that evidence at Lamont's trial indicated Josephs' killer forced his way into his apartment, and the fatal shot was fired 18 inches away, which seems to contradict Lorenzo's account that shooting was accidental and occurred in the middle of a struggle over the gun.

In a 1998 ruling, Starkey wrote: "The facts as described create a gnawing sense that one way or another, Lorenzo Branch may have been one of those involved in the death of Mr. Josephs, and the possibility that the defendant is innocent cannot be excluded."

However, Starkey and prosecutors also believed Lorenzo's account of the shooting was self-serving. They believed he was trying to win his brother's freedom but seemed unwilling to suffer the full legal consequences. Lorenzo, they argued, was trying to give an account of the killing that poses the least legal risk to himself.

"The effort to have it both ways — a new trial for the defendant by means of an unsworn, self-serving hearsay statement which insulates Lorenzo Branch from significant risk — must fail," Starkey wrote.

And Lorenzo, in his 1994 videotaped statement, admitted that he wanted to confess his role in the killing but he did not want to go to prison. "I wanted to, you know, correct it, you know what I'm saying?" he said. "But who wants to go to jail? ... And I know, and ... you know in your heart, that ... nothing was done intentionally. ... And I know how the system is. ... I wasn't really trying to incriminate myself, even though I know that me, myself, that I was the cause of it."

Still, Bennett said she does not understand the prosecution's argument. By agreeing to confess under oath, Lorenzo is still leaving himself vulnerable to prosecution and possible prison time, even if his defense is that the shooting was accidental.

"I just don't understand the prosecutor's thinking," she said. "Generally, if someone comes forward in cases like these and admits to a killing, it is true. ... And Lorenzo's scared, too. He's so scared of what the criminal justice system will do to him."

Cloud of Uncertainty — But One Certain Loss

No matter what ultimately comes out of Friday's hearing, Ruthel Branch still stands to lose one of her sons. One son's freedom may mean another son's incarceration. She wants to see Lamont vindicated and said she believes Lorenzo should be punished for his alleged involvement in the killing. But she would also rather not lose either one of her sons at all.

"We're just taking one day at a time, that's all you can do," said Mrs. Branch. "With one son, I want him to get vindication since he's been in prison so long. With the other one, I just hope he gets a fair chance to tell his story."

In his sworn affidavit, Lorenzo said he was willing to be cross-examined under oath about his involvement in Josephs' killing and take a polygraph test. He said he could no longer live with his conscience.

"I am sorry it has taken me so long to completely come forward and take responsibility for what happened," he said. "I have no excuse for not doing so sooner. I can only say that I was afraid. ... But I am prepared to face anything that telling the truth brings."

Ruthel Branch, Lamont Branch and his attorney hope Lorenzo will still feel prepared to face anything Friday morning.

Witness Says He Lied at Trial That Led to Murder Conviction

By WILLIAM GLABERSON
Published: April 02, 2002

For the second time in a month, a witness told a judge in Brooklyn yesterday that the wrong man was convicted of murder at a trial before that judge in 1990.

The witness, a former crack addict named Shorn Greene, told Justice James G. Starkey of State Supreme Court that he lied 12 years ago, when he testified that he saw a man named Lamont Branch run away after committing a murder in 1988.

Mr. Greene said he lied to collect \$150 from detectives who gave him spending money each time he met with them.

"I did something wrong and I'm trying to make up for it right now," Mr. Greene testified yesterday. At the time, he testified, he had a \$1,000-a-day crack habit.

Mr. Branch was convicted and is serving 25 years to life. His brother, Lorenzo, drew widespread attention to the case last month by testifying that he knew Lamont was innocent of the killing, of Danny Josephs, a family friend.

Lorenzo Branch said Mr. Josephs died of an accidental gunshot wound in a scuffle with him, and that Lamont had not been present.

The recantation yesterday by one of the prosecution's ostensible eyewitnesses was a second significant development in what has become a marathon battle between the prosecution and the defense over Lamont Branch's request for a new trial.

Justice Starkey scheduled April 19 for the continuation of the hearing and did not indicate whether he will rule then on Lamont Branch's request.

Mr. Greene, who has been convicted of robbery and drug-related crimes, was called by lawyers for Lamont Branch. They have grown increasingly strident in assertions that the Brooklyn prosecutors are refusing to acknowledge a miscarriage of justice.

Yesterday, one of the defense lawyers, Elon Harpaz, told Justice Starkey that the combined testimony of Mr. Greene and Lorenzo Branch "completely cut the legs out from under the prosecution case." Defense lawyers also said yesterday that Lamont Branch passed a lie detector test in 1997 when he was asked if he had any part in Mr. Josephs' death.

But the prosecutor, Kenneth Taub, asserted that his obligation to the family of the victim required him to question the testimony aimed at freeing Lamont Branch.

In cross-examining Mr. Greene, Mr. Taub suggested that Mr. Greene might have a motive for recanting his original testimony. Mr. Taub said Mr. Greene was a habitual criminal who would rather be known for helping to free Mr. Branch than for informing on him if he is imprisoned again.

Under questioning by Mr. Taub, Mr. Greene acknowledged that in prison, informers are sometimes stabbed, beaten or raped.

Mr. Taub also used Mr. Greene's testimony to suggest that Lamont Branch was far from a model citizen. Under questioning from Mr. Taub, Mr. Greene said he knew Lamont Branch because "he was a drug dealer."

But Mr. Taub did not shake Mr. Greene from his contention that he lied years ago when he said he saw Lamont Branch at the time of Mr. Joseph's killing. "I just did it for the money, sir," he testified.

Prosecutors played a tape recording of an interview yesterday that Lamont Branch gave to the police in 1989. In that statement, Lamont Branch said he appeared at the scene of the shooting just as a gunshot sounded. He named several people he saw. But in an omission that prosecutors contend raises questions about the account given by Lorenzo Branch, in 1989 Lamont did not say that his brother was there.

[Home](#) | [Times topics](#) |

[Member Center](#)

Copyright 2013 The New York Times Company. | [Privacy Policy](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#) |

[Index by Keyword](#)

<http://abcnews.go.com/US/story?id=91829&page=1>



Share

0

More Sharing ServicesShare

Share on emailEmail

Comment

Print

Text Size

- / +

March 14

In a sworn affidavit taken last November, Lorenzo Branch admitted for the first time under oath that he, not his brother Lamont, was responsible for the 1988 slaying of family friend and reputed drug dealer Danny Josephs. Now Lorenzo is trying to win his brother's freedom or at least, a new trial. Here is a copy of the affidavit:

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF KINGS

AFFIDAVIT IND NO: 11099/89

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

- against -

LAMONT BRANCH

Defendant

I, LORENZO BRANCH, affirm under the penalties of perjury in the Sate of New York, County of Nassau, that:

(1) My name is Lorenzo Branch. I am the brother of Lamont Branch, the defendant in the above caption matter. I have been married 2 years to my life long partner, Lilian Branch. I live in Brooklyn, New York, and I am currently employed as a supervisor for a construction company.

(2) My brother was wrongfully convicted of murder in connection with the death of Danny Josephs. I know that to be a fact because I killed Mr. Josephs. My brother, Lamont Branch, was not present when Mr. Josephs was shot and he did not have any knowledge of the shooting before it occurred.

(3) On the morning of March 26, 1988, I went to the apartment located on the second floor of 230 Lott Avenue in Brooklyn, where Danny Josephs was staying.

(4) He opened the door and let me in. We had a brief argument and he pulled a gun from his waste. I pushed his hands away from me and up. I heard a gunshot and Danny fell to the floor. I looked down and his legs were shaking. I panicked and ran from the apartment and from the apartment building.

(5) I have tried to tell these facts to the courts, my brother's lawyers and even people with the press on several occasions. For reasons that are not entirely clear to me, my brother remains in prison for a crime I know he did not commit.

(6) I have also, on the advice of counsel, invoked my right against self-incrimination. I am currently represented by a new attorney. His name is Bruce A. Barket, Esq. I hereby waive my right to remain silent. I will speak to any person from law enforcement, the police, the District Attorney or the courts and explain what happened on March 26, 1988. I am willing to answer questions under oath. I ask only that all the questioning be done in the presence of my lawyer. I would also be willing to take a polygraph or lie detector to prove that I am telling the truth about Danny Josephs' death. I want to do whatever is necessary to be certain that my brother is no longer punished for Danny's death.

(7) I am sorry it has taken me so long to completely come forward and take responsibility for what happened. I have no excuse for not doing so sooner. I can only say that I was afraid. I am still afraid but I can no longer live with myself knowing that my brother is in jail for a crime I know he did not commit. I am hopeful that I will be treated fairly. But I am prepared to face anything that telling the truth brings.

(8) I have read this Affidavit and it has been read to me by my wife. It is true.

Bruce Barket, Esq.

Lorenzo Branch

STATE OF NEW YORK COUNTY OF NASSAU ss.:

On the 7th day of November, 2001, before me personally came Lorenzo Branch, to me known, and known to me to be the individual(s) described in, and who executed the foregoing Affidavit, and duly acknowledged to me that they executed the same.

Georgia Skevofilax Notary Public