

Justice Denied

The Long Road to Trial

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NOTE: Due to the size of the article, photos and graphs are not included here. Those can be found at <http://www.nytimes.com/2013/04/16/nyregion/justice-denied-after-a-murder-in-the-bronx-a-sentence-to-wait.html?ref=nyregion>.

PART 3

For 3 Years After Killing, Evidence Fades as a Suspect Sits in Jail

They brought him into the Bronx courtroom late on that first day of the trial, his prisoner's chains jingling.

But Chad Hooks, 23 years old and charged with murder, was used to waiting. He had been waiting for three years, seven months and three days at Rikers Island for a trial that never seemed to come.

"I hear the same excuse every time: 'Not ready,' or, 'We're doing something that's more important,' " he had said at the jail. "I feel like I'll die here."

Melissa Lawyer had waited, too. Mr. Hooks was charged with shooting to death her 21-year-old son, Jevon, in a grimy hallway on Southern Boulevard near Hunts Point Avenue in the Bronx. For nearly four years, her hopes for justice had been choked by gnawing worry.

She had had nightmares in which Mr. Hooks was chasing her. She said it meant he would get away with murder.

This little-noticed case at the Bronx County Hall of Justice became a parable of the way delays infect trials with murkiness, mocking the very idea that courts do their best, when it matters most, to find out what really happened.

As the years passed, memories turned hazy. Detectives retired. One witness recanted. Two were lost and then found again. By the time the prosecutors said they were ready for trial on a September day in 2012, a fourth witness — the star witness — had been shot to death in the Bronx. What were left were contradicting claims and missing answers.

Sometimes it seemed that the lawyers and judges had forgotten about clocks altogether.

The defense said Mr. Hooks was an innocent man who had been tormented to the point of ruin by his wait for justice. The prosecution suggested he was a wily killer using the passage of time to silence the witnesses against him.

In other parts of the country, this case might be old enough to raise questions about whether the Constitution's promise of a speedy trial had any meaning at all. But this was far from the oldest case in the Bronx, where court delays have compounded for decades, mounting a crisis severe enough to challenge the basic notion of justice.

But now, finally, in that courtroom on 161st Street, the assistant district attorney, April Cohen, rose. There was an expectant rustle in the mostly empty courtroom.

Chad Hooks's mother listened on one side. Jevon Lawyer's mother on the other.

The prosecutor's first words, however, were not about the killing of Mr. Lawyer. They were a request for days off. She had three scheduled. And then she would need a day when her nephew was born and then a day to celebrate the birth.

The judge said he was confused about why a trial had to be put off because someone else was having a baby. "Maybe I'm missing something?" he asked, though eventually the prosecutor ended up getting the time off.

That first day of the trial was the 1,311th day of waiting for Mr. Hooks's day in court.

The Charges

On Jan. 10, 2009, someone shot Jevon Lawyer three times, piercing his aorta, heart and lungs. He died next to a liquor bottle in that sixth-floor hallway on Southern Boulevard.

The killing happened outside a raucous teenage party in a neglected apartment building that serves as a shelter for homeless families. The guest of honor, a 19-year-old nicknamed Rockstar, took a bullet in the leg. He survived to become a reluctant witness. Most of the partygoers slipped away into the night.

It took three weeks for the police to settle on their suspect. The police showed a neighborhood drug dealer pictures from a security camera of the teenagers streaming out of the building on Southern Boulevard.. At first the drug dealer, who had been shot in the shin five days before Mr. Lawyer was killed, told detectives he had been high and had not seen who shot him. But he later identified Mr. Hooks. He said the man had killed Mr. Lawyer too.

Mr. Hooks was in the building the night of the party, but he said he had been visiting a friend on a different floor.

A high-school dropout who had just turned 20, Mr. Hooks was already a father and his girlfriend had a second baby on the way. He had grown up in Englewood, N.J., where his family had moved to get away from the violence in Harlem. At times, he seems like a soft suburban teenager; at times, he displays a hard edge of the city. He has an infectious smile and a dandyish preference for Izod shirts and Prada shoes. He also has a history of trouble with the law.

The case against him was a tangle from the start.

Some of the early descriptions of the killer were of someone 5 foot 8 and heavy; Mr. Hooks is 6 foot 3 and slender. There were no fingerprints. No gun was found. There was no evidence that Mr. Hooks knew the victim, making the question of motive vague.

The passage of time made nothing clearer. Nearly three years after identifying Mr. Hooks as the killer, the drug dealer swore to a new statement. He said that detectives had written his first statement implicating Mr. Hooks and that it was false. "The man is innocent and he should not be in custody," the new statement said.

The Waiting

Nearly four years passed with each seeming breakthrough foreshadowing some setback.

The court on 161st Street was always busy with something else. But in the world outside, time did not stop. While Mr. Hooks was in jail, his son was born, his children's mother stopped coming to visit, a cousin was shot dead on the street for his coat.

After Mr. Hooks's arrest in 2009, his lawyers argued he should be freed to await trial. But he was sent to Rikers, the island wrapped in barbed wire.

In court that year, the case was too new for much to happen. There were the first of what would be more than 30 pointless court dates, as one side or the other would be busy with other cases or there were no judges to conduct the trial. At Rikers, his records showed a slide toward despair and violence.

At first, he seemed to be in denial, telling a jail counselor he expected to be released in days. "He seems happy going home," the jail counselor wrote eight months into Mr. Hooks's imprisonment.

A month later, the records show, he was slashed by another inmate. A three-inch scar remains over his left ear. He learned how to defend himself in a place where, he said, one could get into a fight over a chair.

“Whether you are afraid or whether you are tough,” he said in an interview, “you’re stuck. You have no choice but to adapt.”

The waiting continued. The next year, 2010, the prosecutor, Ms. Cohen, was constantly busy. But not on Mr. Hooks’s case. One case in January, another in February. In April, she tried a case from 2007.

“The Hooks matter,” Ms. Cohen wrote in a legal brief, “does not get to jump the line.”

For Melissa Lawyer, the mother of the victim, each court date, each postponement, seemed to make the shock of the killing fresh again. “I wasn’t eating, I wasn’t sleeping,” she said.

She would call Ms. Cohen and push for a trial. “I kept calling and she’s saying to me, ‘There’s a lot of cases before this case,’ ” Ms. Lawyer said.

On Jan. 6, 2011, the case was on the court schedule. In the Bronx, judges and lawyers call these “trial dates,” though the phrase is rarely meant literally. On this day, there were no judges to conduct the trial, so the case was returned to the calendar, where it continued to be postponed every month or two.

Mr. Hooks’s lawyer, Camille M. Abate, was also spread thin. On the staff of the Bronx Defenders, which provides free legal representation to indigent defendants under a contract with the city, she often had 100 cases, many of them felonies headed for trial. She was known for acquittals in difficult cases: stabbings, sexual assaults, violent robberies.

During a conversation before the trial, Ms. Abate turned to Mr. Hooks’s parents, who were raw with emotion about the long wait. Her voice caught as she apologized for having been busy with other cases. “I feel guilty for having been on trial,” she said.

As the months in jail became years, Mr. Hooks sometimes seemed desperate. In 2010, after long stretches in a tiny room at Rikers where he spent 23 hours a day, he told a doctor he had tried to hang himself. “He has spent the last 11 months in punitive isolation following frequent fighting with both inmates and staff,” his hospital records said.

“There has been ‘no progress in his case in two years,’ ” the records continued, quoting him: “ ‘I want to hang up.’ ”

The violence at Rikers continued. When Mr. Hooks refused to be searched one day, the correction officers subdued him with chemicals. In a confrontation in his cell the next month, he kicked, punched and head-butted officers, the officers said in a report.

After one confrontation, he was so injured he could not sit down. After another, he needed stitches on his face.

Though Mr. Hooks said the guards had beat him for no reason, similar complaints came from the court officers in charge of him when he had court dates. They said he had spouted racial epithets and spit. For court appearances, they started putting him in a Hannibal Lecter-like contraption called a spit mask to protect the officers.

In an interview before the trial, dressed in an orange jumper, he described the monotony behind bars punctuated by predatory violence. He said, “What can you do besides fight back?”

He was talking in a cement-block room at Rikers, where the clock on the wall had stopped long ago.

The Court Clock

Sometimes it seemed that the lawyers and judges in the Bronx had forgotten about clocks altogether. In January, Mr. Hooks wrote a letter to Judge Eugene Oliver Jr., begging to get back to his children. “I’ve been incarcerated for 35 months,” he wrote, promising that he would never see a jail again if he could just get his trial.

Six months later, on June 15, 2012, Judge Oliver called the case. He was part of a special effort set up to push the Bronx’s oldest cases to trial. But the backlog had only gotten worse.

There were all kinds of reasons for new delays in Mr. Hooks’s case, Ms. Cohen, the prosecutor, explained to the judge that day in court. The star witness, a street basketball friend of Mr. Hooks’s named Elijah Green, had been shot in the head in a Bronx public housing development a few months earlier. She suggested Mr. Hooks might have been behind the killing. “That is still an ongoing investigation by my office, frankly,” she said. Her office would later say there was no evidence to support that contention.

Ms. Abate, the public defender, said she had been surprised by the prosecutor’s claim. Before he had been killed, Mr. Green had said he would testify for Mr. Hooks — not for the prosecution, she said. He had told her investigator that the police had threatened to charge him with the killing of Jevon Lawyer if he did not implicate Mr. Hooks.

Here — in Mr. Hooks’s 41st month in jail — the delays of the Bronx were noticeably undermining this trial’s chance to get to the truth. If Mr. Green had seen Mr. Hooks fire those

shots on Southern Boulevard, the wait had cost the prosecutors their key witness. But if instead Mr. Green had been ready to testify that he had been fed a false story by the police, it was the defense that had lost a key witness.

But that day in June 2012, Ms. Cohen and Judge Oliver had another concern that would keep this case from getting to court. After all, it was summer, when some judges and lawyers think more about time at the beach than clearing dockets.

Ms. Cohen said she would be out of the office for two weeks in late June, according to a transcript. "I will then be out of the office in the latter part of July for multiple days throughout the month. And then, finally, I will be out of the office once again August 17th through September 4."

In an interview, Ms. Abate said another assistant district attorney had quietly told her that if Judge Oliver had insisted, the case would have been transferred away from Ms. Cohen by the district attorney's office and tried immediately.

But Judge Oliver did not insist. "Knowing the summer schedule and how many judges would even be available," he said, "I'm going to put this over to September 10."

Three more months.

"Severe delays" in felony cases were to be expected, he wrote later in a ruling in the Hooks case. "Unfortunately, this is a reality."

The Trial

If a trial is a search for truth, this one was a murky hunt through faded memories.

In the chill of the courtroom last fall, with the jury finally seated, the testimony began at last. Chad Hooks looked anything but menacing at the defendant's table, dressed in Izod and Polo, the spit mask gone.

The mothers were there, each on her own side. One day, Melissa Lawyer's boyfriend joined her on the empty benches. He caught Mr. Hooks's eye. He made his hand into the shape of a gun, pointed it at Mr. Hooks and pulled the trigger.

Mr. Hooks's mother wrote a letter that she did not send to Jevon Lawyer's mother. She would pray for her, she had written, "but my son did not do it."

Three years and nine months after those shots in the hallway, a jury finally heard about the police call that night: "Male shot." They heard that a bullet went through Mr. Lawyer's heart. But other than the fact of the death in the hallway, so much was unknown.

The testimony offered constant reminders of how much time had passed.

The lead detective, since retired, could not remember if he had been to the scene of the shooting that night. He could not remember the details of a lineup in the case. He could not remember whether a notation in his patrol book back in 2009 — “heavy Spanish kid” — might have meant an overweight Hispanic youth had been identified as the killer. “His memory is not so solid,” Judge Ethan Greenberg said from the bench.

A homeless woman, lost and then found by the defense, took the stand to say she saw a short heavysset youth — someone who did not look like Mr. Hooks — leaving the building with a gun after the shooting. She identified a pale-skinned young man in a security photograph. But she fell apart during cross-examination when she was asked if she had once said the gunman was black. “It’s been so many years,” she said through tears.

But the make-or-break moment for the prosecutor was when Rockstar, whose real name is Akeem Giddins, took the stand. He remembered the night of the party and the scores of teenagers there, many with their own street nicknames: Joe Smooth, Scrumpys, Goofy Kid.

He remembered the shot, the sting in his leg, the body in the hall. He remembered telling the police at first that he had not seen the gunman, and later changing his account and identifying Mr. Hooks in a lineup.

Then came the standard theatrical courtroom moment when the prosecutor asks the witness whether the perpetrator is there in court and the witness points to the defendant.

But in the trial of Mr. Hooks for a killing three years and nine months earlier, that moment turned the case upside down.

Ms. Cohen asked if Mr. Giddins could identify the gunman in the courtroom.

“No, ma’am,” Mr. Giddins said. “People change.”

“It’s a couple of years ago,” he said.

The Outcome

After they acquitted Mr. Hooks on all counts, on Oct. 25, 2012, the jurors lingered in the big lobby of the courthouse.

“There was nothing leading us to believe that he did it,” one of them, John Casellas, said.

Mr. Hooks's mother came across the lobby, sobbing with relief. The jurors hugged her. They asked about her son's long wait, and she told them about desperate month after desperate month.

There were tears in some of the jurors' eyes, too. "His life is basically in limbo," one of the jurors, James Johnson, said.

Melissa Lawyer left the courthouse alone. The delays had crippled the case and set her son's killer free, she said.

"I put all my trust in the system and they failed me," she said.

But Mr. Hooks did not walk free that afternoon after the Bronx courts officially declared him an innocent man.

It turned out there were charges against him in New Jersey, where he was accused of robbing a student at gunpoint in a high school in 2007. He was not guilty of murder, but he was back in chains and headed back to jail.

Mr. Hooks was finally released in November pending a trial in New Jersey. A month later, he was arrested in upstate New York on charges of using a forged prescription at a drugstore. When they searched the van in which he was traveling, the police said, they found a loaded handgun. He is in jail awaiting trial.

Robbie Brown, Alain Delaqu erie and Colin Moynihan contributed reporting.