



[www.bronxda.nyc.gov](http://www.bronxda.nyc.gov)  
[www.facebook.com/BronxDistrictAttorney](https://www.facebook.com/BronxDistrictAttorney)  
[www.twitter.com/BronxDAClark](https://www.twitter.com/BronxDAClark)

**DARCEL D. CLARK**  
DISTRICT ATTORNEY, BRONX COUNTY

198 EAST 161ST STREET  
BRONX, N.Y. 10451  
(718) 590-2234

**09-2018**  
**For Immediate Release**  
**January 29, 2018**

**BRONX DISTRICT ATTORNEY DARCEL D. CLARK ASKS JUDGE TO VACATE  
MURDER CONVICTION AND DISMISS INDICTMENT OF BRONX MAN;  
HE IS FREED AFTER 20 YEARS IN PRISON**  
**Conviction Integrity Unit Re-Investigated 1996 Case,  
Discovered Evidence and Determined That Defendant Did Not Receive Fair Trial**

Bronx District Attorney Darcel D. Clark today announced that, at her request, Administrative Judge of Supreme Court Hon. Robert E. Torres has vacated the conviction and dismissed the indictment of a Bronx man in a 1996 murder, after a review of the case by the District Attorney's Conviction Integrity Unit determined that the defendant did not receive a fair trial.

District Attorney Clark said, "Larry McKee was serving 24 years-to-life for murder, but the Conviction Integrity Unit has uncovered potentially exculpatory evidence that was not provided to the defense at the time of trial. Because of this, I asked the Court today to vacate McKee's conviction in the interest of justice so he can be freed as soon as possible, and to dismiss the indictment.

"The Conviction Integrity Unit did an exhaustive re-investigation of this case, which involved the killing of Theodore Vance, a 29-year-old man shot and killed in 1996. Once again, our Conviction Integrity Unit has corrected a wrong from the past. We will never stop in our quest to ensure fairness and integrity in the criminal justice system. "

After a hearing today, Administrative Judge of Supreme Court, Criminal Term, Hon. Robert E. Torres granted the motions and McKee was released.

McKee, 46, was sentenced to 24 years-to- life in prison after a trial in Bronx Supreme Court in 1997. He was convicted by a jury of second-degree Murder in the fatal shooting of 29-year-old Theodore Vance on February 19, 1996, on 176<sup>th</sup> Street between Andrews and Montgomery Avenues.

**(MORE)**



[www.bronxda.nyc.gov](http://www.bronxda.nyc.gov)  
[www.facebook.com/BronxDistrictAttorney](https://www.facebook.com/BronxDistrictAttorney)  
[www.twitter.com/BronxDAClark](https://www.twitter.com/BronxDAClark)

**DARCEL D. CLARK**  
DISTRICT ATTORNEY, BRONX COUNTY

198 EAST 161ST STREET  
BRONX, N.Y. 10451  
(718) 590-2234

McKee's attorney, Michael Talassazan, contacted the CIU six months ago, provided some new evidence and asked the unit to review the case. Assistant District Attorney Risa Gerson re-interviewed witnesses and examined thousands of pages of the trial file. Gerson discovered grand jury testimony of a witness who had heard the victim's last words, which indicated "a Spanish guy."

The evidence raised a question as to whether the shooter had been correctly identified because McKee is black, and it should have been turned over to the defense. Once ADA Gerson determined that the testimony had not been turned over to the defense, she gave it McKee's attorney.

The reinvestigation of the case was conducted by Assistant District Attorney Risa Gerson with Assistant District Attorney Seth Steed under the supervision of Gina Mignola, Chief of the Conviction Integrity Unit, and the overall supervision of Julian Bond O'Connor, General Counsel to the District Attorney.

#