

Perlmutter Center for Legal Justice at Cardozo Law

May 2023 Annual Report

Prepared for The Laura and Isaac Perlmutter Foundation



CARDOZO

Benjamin N. Cardozo School of Law

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REPORT OF ACTIVITIES: SEPTEMBER 2022-MAY 2023

The inaugural year of the Perlmutter Center for Legal Justice was full of many exciting achievements and firsts. Below is a summary of what the Center has been up to.

The Perlmutter Center for Legal Justice Launch

On October 27, 2023, Cardozo School of Law celebrated the launch of the Perlmutter Center for Legal Justice (PCLJ). The event celebrated the generous gift from the Laura and Isaac Perlmutter Foundation – the largest gift to Cardozo to date – and the newly formed Center, under the leadership of Josh Dubin and Derrick Hamilton. The Center is comprised of three different components: The Freedom Clinic, The Clemency Clinic, and The Forensic Science Education Program. The Freedom Clinic will focus on fighting wrongful convictions based on the misuse of scientific evidence and work to obtain clemency for individuals unjustly incarcerated. The Clemency Clinic (set to launch in the Fall of 2025), will focus on obtaining executive clemency for individuals that received excessive sentences and/or have exhibited strong indications of rehabilitation while incarcerated. Lastly, the education program will feature an ambitious continuing legal education curriculum (CLE) in scientific evidence designed for practicing attorneys. Although the event was hosted in October, the Center had been hard at work since summer 2022 with its first client Bruce Bryan.



Josh Dubin and Derrick Hamilton speaking at the Perlmutter Center launch event.

The Perlmutter Freedom Clinic Fully Launched

The Perlmutter Freedom Clinic, fully launched at the start of the Fall 2022 semester at Cardozo School of Law. The Clinic focuses on fighting wrongful convictions based on the misuse of scientific evidence and works to exonerate individuals unjustly incarcerated because of “junk science” used against them in the court room. The Clinic had 9 students in the fall semester and had 8 students in the Spring 2023 semester with six remaining on the team for the summer to help assist with both ongoing and new cases. As of May, the Clinic has 7 active client cases, with more than 40 new client applications on the docket, speaking to the significant need that the students and staff are helping to meet.

Bruce Bryan, the Perlmutter Center's First Client, Granted Clemency

In December 2022, the Perlmutter Center's first client, Bruce Bryan was granted clemency after New York Governor Kathy Hochul commuted his life sentence. Bryan is 53 years old and has spent 30 years in prison. He was convicted of murder in 1996 when he was 23 and was sentenced to 37.5 years to life in prison. Bryan is a remarkable man with strong family ties who has worked tirelessly in his three decades behind bars to help other incarcerated individuals. Bryan has earned bachelor's and associate's degrees, and among his many accomplishments while incarcerated was the establishment of the Civic Duty Initiative, a program that has raised money for gun buybacks to reduce violence in our communities. The Perlmutter Center for Legal Justice at Cardozo Law has been representing Bryan since June of 2022 in connection with his clemency effort and with the re-review of his case by the Queens County DA's Conviction Integrity Unit. The Center, along with The Legal Aid Society, will continue to represent him before the Queens County CIU in fighting for his full exoneration.

Bruce Bryan Released from Prison

The Perlmutter Center and the rest of Cardozo celebrated the release of Bruce Bryan from prison on April 24, 2023. Cardozo hosted events at the law school and two locations in Brooklyn in the wake of Bryan's long-awaited release from prison. The Center played a key role in securing Bryan's clemency back in December and will continue to fight for his exoneration.



Josh Dubin and Bruce Bryan after Bruce's release from prison.

Bruce Bryan, just three days after his release, with the Perlmutter Freedom Clinic students and Deputy Director, Derrick Hamilton



Two More Clients Released from Prison

Sheldon Johnson and Jerry Ruffin, two extraordinary men subjected to harsh sentences as youthful offenders were released on May 4, 2023. The Perlmutter Center for Legal Justice collaborated with Allison Haupt and Barbara Zolot at the Center for Appellate Litigation, as well as the New York District Attorney's Office, in the resentencing and release of Mr. Johnson and Mr. Ruffin.

Johnson, 47, and Ruffin, 46, have served more than two decades in prison. Johnson was sentenced to 50 years for first-offense robberies that resulted in minor injuries, and Ruffin was sentenced to 40 years to life for his role in the shooting death of a drug dealer. The prosecution conceded that Ruffin was not the shooter but instead allegedly "lulled" the drug dealer into a sense of safety prior to the shooting.

While incarcerated, Ruffin turned his life around. He started his sentence barely knowing how to read, but he went on to earn his GED, learned to read and write Arabic and entered college, where he was on the President's List. In 2016, he became the head plumber for all of Green Haven Correctional Facility. As a correction officer at Greenhaven remarked, "It is time to let him go home to his loved ones."

New Partnerships

The Center has formed partnerships with a few organizations already, such as Legal Aid and the Center for Appellate Litigation. The Center for Appellate Litigation is a non-profit public defense law firm dedicated to the pursuit of equal justice under the law for indigent New Yorkers in their criminal appeals and other post-conviction proceedings. The Center has also been a strong supporter of the Communities Not Cages movement in alliance with other organizations to reduce jail and prison populations by advocating for legislation to eliminate mandatory minimum sentences, abolish two and three-strikes laws, create a right to a second look at over-sentencing, and strengthen good time and merit time laws to promote fairness and rehabilitation for incarcerated individuals.



Executive Director, Josh Dubin (left), and Deputy Director, Derrick Hamilton (right).

Perlmutter Center Client, Frans Sital, Re-Sentenced and Immediately Eligible for Parole

Frans Sital, a client of the Perlmutter Center for Legal Justice, who has served over 30 years in prison, had his sentence reduced recently in Brooklyn, allowing him to apply for parole immediately. Frans Sital was only 17 years old when he was arrested and convicted of murder. Although he has strong innocence claims, he was nevertheless sentenced to 51 and 1/3 years in prison.

In a hearing on Friday, May 26, 2023, in Brooklyn Supreme Court before Judge Matthew D'Emic, District Attorney Eric Gonzalez consented to a sentence reduction for Mr. Sital to 25 years to life.

Mr. Sital will now be able to go before the New York State Parole Board to request that he be released for time served.

Mr. Sital's sentence, 51 1/3 years in prison, was a de facto life sentence. He is now 49 years old but was just 17 at the time of his sentencing. If not for the consent to reduce his sentence, Mr. Sital would have first seen the parole board a month before his 69th birthday.

According to a legal filing on behalf of Frans Sital seeking a sentence reduction, "Mr. Sital is well deserving of that second look. The numerous letters and emails attached to this motion show that he has become a different person. He has educated himself and prepared for employment. He has helped educate and assist other inmates through programs like Exodus Transitional Services and CPPM. He has become a loving and supportive brother and son, acting as a role model and mainstay to his family, even from prison. He has become a leader rather than a follower, and those who know him attest to his growth and maturity. He is exactly the kind of adolescent offender who merits the protection of the Constitutions of the United States and of this State."



Frans Sital, center, surrounded by friends, family, and supporters in court after his re-sentencing.

Staff

In addition to Josh and Derrick, the PCLJ welcomed two new staff members this year. Christina Rho joined the Center in December 2022 as the Program Administrator and Marie Louise Parmer joined in May 2023 as a part time staff attorney.

Presentation for General Daniel Gold

On May 5, 2023, Josh Dubin was invited to present at a Yeshiva University panel to showcase exceptional faculty and identify areas of collaboration and join research in the fields of STEM (science, technology, engineering, and math). Josh was one of six YU faculty who were asked to present in front of General Daniel Gold, Head of the Israel National Committee for Commercial/Civilian Cyber Research & Development Former Head of Research and Development at the Israel Ministry of Defense (IMOD) and the Israel Defense Forces (IDF), who was awarded the Presidential Medallion at YU's 2023 commencement. Josh spoke about the incredible work that the Perlmutter Center is doing identifying and eliminating unreliable forensic science in the court room and their recent client successes.

Forensic Science Panel with Manhattan District Attorney and Innocence Project

Cardozo Public Service Scholars Presents:

THE
SCIENCE
OF
INNOCENCE
BRIDGING THE GAP BETWEEN
FORENSICS AND LAW

Innocence Project Senior Staff Attorney
Susan Friedman, Perlmutter Center
Co-Directors Derrick Hamilton and
Josh Dubin, and Post-Conviction Justice
ADA Jenna Dunton will participate in a
panel discussion on the issues surrounding
the use of forensic science in courts.

WEDNESDAY, FEBRUARY 22ND
12:00 | ROOM 206
LUNCH SERVED

The Cardozo Public Service Scholars hosted a panel on February 22, 2023, “The Science of Innocence Bridging the Gap Between Forensics and Law. Both Josh Dubin and Derrick Hamilton spoke on the panel alongside Susan Friedman, an Innocence Project Senior Staff Attorney, and Jenna Dunton, a Post-Conviction Justice ADA. The four panelists all participated in a discussion on the issues surrounding the use of forensics in the court room.

FORECASTED 12 MONTH PLANS

The Perlmutter Center has had many exciting wins since its launch last year. The Center hopes to build on its successes with some new plans for the coming months. Below is a description of the Center's plans for the upcoming twelve months.

Launching The Perlmutter Forensic Science Education Program

The Center is hard at work getting the Forensic Science Education Program ready for its launch in Fall 2023. The education program will feature an ambitious legal education program in scientific evidence designed for practicing attorneys. The program will build on the decades-long success of Cardozo's Forensic Science College and hopes to educate and train all actors in the court room – judges, prosecutors, defense attorneys – on how to identify “junk science” in cases and in the proper use of scientific evidence in the court room.

Establishing the Curriculum for the Perlmutter Clemency Clinic

Derrick, Josh, Sarah, and Bruce will be hard at work in the coming year to develop the course curriculum for the Perlmutter Center for Legal Justice's Clemency Clinic. The Clemency Clinic will focus on incarcerated individuals that fit a defined criteria for clemency and parole (e.g., non-violent offenses, disproportionate sentences, indicia of innocence where appellate rights have been exhausted, etc.). Students taking the seminar will learn the mechanics of how the clemency process works at both the state and federal level. During their field work, they will perform legal research (e.g., compassionate release statutes, parole application procedures, criminal procedure related to clemency and parole), and will draft submissions lobbying politicians, parole boards, conviction integrity units, and prosecutors to advocate for release of the Center's clients.

Physical Expansion of the Perlmutter Center for Legal Justice

Due to our rapid growth and early success, we have outgrown our physical working space at Cardozo Law. We reached an agreement with the law school to build two conference rooms and two offices directly across the hall from our existing space. One of the conference rooms will serve as our new seminar classroom, providing students with a more intimate learning experience. The new classroom will be equipped with the latest A/V presentation system to facilitate effective and efficient evidence reviews and a more collaborative learning environment. Construction is slated to begin in June, with a targeted completion date of October 15. The plans for the new space are contained in the attached appendix.

Communities of Color Workshops

Systemically people of color are convicted and/or disproportionately impacted by 'junk science' being utilized against them in their trials as a cause for wrongful convictions. The Perlmutter Center plans to conduct workshops in communities of color that will provide education about what "junk science" is so they are more capable of detecting when science is being misapplied against people of color in their communities. The curricula, dates, and times of these workshops are still being developed but they are set to begin in 2024.

National Forensic College Scholarships

The Perlmutter Center for Legal Justice will be providing scholarships for Cardozo's National Forensic College participants this summer. The National Forensic College is an advanced, week-long forensic science CLE designed for experienced trial and post-conviction litigators running June 11-16th this summer. The Forensic College prepares attorneys to litigate complex forensic science issues strategically and with the support of the nation's leading law firms and experts. The PCLJ's assistance will help cover the tuition costs for participants, totaling about \$37,000.

Re-entry Programs

The PCLJ is working on developing different therapeutic programs for their clients as they reacclimate into society after they are released from prison. The Center hopes to potentially offer access to equine therapy and mental health professionals through connections at Einstein Medical College and/or neighboring institutions such as Columbia or NYU Medical School.

STAFF & FACULTY

Josh Dubin, Executive Director



Josh Dubin is the Executive Director of the Perlmutter Center for Legal Justice at Cardozo Law. A prominent civil rights attorney, Dubin also serves as the president of Dubin Research and Consulting, Inc. (DRC), a Manhattan-based consulting firm that specializes in jury selection, persuasive visual aids, and trial strategy for complex civil and criminal matters.

Dubin is regarded as one of the most preeminent trial strategy and jury consultants in the nation, having earned high praise from some of the most accomplished members of both the civil and criminal bars. An attorney and member of the Florida Bar, he regularly works with some of the most successful attorneys and law firms in the country, including Winston & Strawn, Quinn Emanuel, Holland & Knight, Gibson Dunn & Crutcher, Roy Black, Barry Scheck, Jay Eisenhofer, Jerry Shargel, Jerry Lefcourt and Peter Neufeld.

Over the past decade, Dubin has assisted with jury selection, persuasive visual aids, witness preparation and trial strategy on a wide range of high-profile civil and criminal cases all over the country. Dubin has also worked extensively with The Innocent Project, founded at Cardozo in 1992 by Barry Scheck and Peter Neufeld, to assist incarcerated people who could be proven innocent through DNA testing, serving as was the first-ever Innocence Ambassador Advisor and as a faculty member for the Eyewitness Identification Litigation Reform Network annual conference.

Derrick Hamilton, Deputy Director



Derrick Hamilton is the Deputy Director of the Perlmutter Center for Legal Justice at Cardozo Law. For more than 20 years, Derrick Hamilton was wrongfully incarcerated in the New York prison system. He struggled to survive in prison, bouncing from one correctional facility to another and enduring lengthy stays in solitary confinement.

As a man who claimed innocence despite his conviction, Hamilton was also forced to navigate the complicated waters of the legal system, one tortuous

appeal at a time. He resorted to the only person who could effectively and tirelessly champion his cause in the courts: himself.

“The law saved my life,” Hamilton explained in a profile piece in the *New Yorker*. “That was the one thing I could become fixated upon every day when I woke up and when I went to sleep.”

After earning his high-school equivalency diploma and taking a class on legal research during his time at the Elmira Correctional Facility, Hamilton began studying in the prison’s law library, eventually teaching himself enough criminal law to become [“one of the most skilled jailhouse lawyers in the country.”](#) When he wasn’t embedded in the details of his own case, however, Hamilton would also lend help to his fellow inmates, guiding them to passages in legal texts that were relevant to their own cases.

Hamilton was eventually paroled, and his case has since been vacated and dismissed after the Brooklyn District Attorney’s Conviction Integrity Unit (CIU) concluded that he was innocent of all charges. Today, he teaches Cardozo law students in the Perlmutter Freedom Clinic how to work to the highest standards in defending clients who have been wrongfully convicted or are seeking clemency for unfairly long prison sentences.

Christina Rho, Program Administrator



Christina's background in Political Science, Asian & Asian-American Studies, International Educational Development, and Healthcare Administration has led her to transition from, interpreting and translating for dignitaries (Korean to English for cultural societies/Fulbright), teaching high school students (Democracy Prep Public Schools), program managing curriculum for undergraduate medical students (Columbia University), budgeting institutional research grants (Columbia University), to facilitating operational

undertakings for the Perlmutter Center's day-to-day activities. Intrigued at how education, medicine, and law buttress holistic livelihoods, Christina seeks to continue divesting her energies into emphasizing equitable care/services for the betterment/representation of society at large. In the context of this current role, she hopes to champion and facilitate processes to ensure the center's endeavors are successfully met and sustainable.

Peter Walsh, Forensic College Summer Intensive Program Coordinator



Peter Walsh is the Administrative Director of Cardozo's Lawyering & Legal Writing Center and the Intensive Trial Advocacy Program (ITAP). He has recently taken over the administration of the school's CLE certification of public events and is part of the team creating the new NACDL/Cardozo Law National Forensic College. Outside of his responsibilities at Cardozo, Peter is a visual artist and volunteers his time advocating for workers rights within the arts.

Marie Parmer, Staff Attorney (part-time)



Marie-Louise Parmer is an attorney who has focused her practice on criminal defense and constitutional issues for almost 25 years. She has represented clients in state circuit court throughout the middle region of Florida and at the Florida Supreme Court, the Federal District Court for the Middle District of Florida, and the Supreme Court of the United States.

In 2014, Ms. Parmer founded her own law firm focusing on post conviction and habeas cases. She has won notable appellate decisions in her clients' favor in state and federal court.



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Other Material Progress Updates

The following are a selection of news excerpts and stories about the Perlmutter Center for Legal Justice since its launch:

- [Cardozo School of Law of Yeshiva University Announces \\$15 Million Gift from Isaac and Laura Perlmutter to Create The Perlmutter Center for Legal Justice](#) – Cardozo School of Law
- [Cardozo Law Celebrates Launch of New Criminal Justice Center Funded with Record Donation](#) – New York Law Journal
- [Marvel chairman commits millions for law school to fight faulty forensics](#) – Reuters
- [The Perlmutter Center for Legal Justice at Cardozo Law's First Client, Bruce Bryan, Granted Clemency](#) – Cardozo School of Law
- [Perlmutter Center for Legal Justice at Cardozo School of Law Celebrates Release of Bruce Bryan Following Clemency Victory](#) – Cardozo School of Law
- [Bruce Bryan, Released After 30 Years in Prison With the Help of the Perlmutter Center for Legal Justice at Cardozo Law, Visits and Thanks Cardozo Students](#) – Cardozo School of Law
- [After 29 Years, the 'Poster Child for Clemency' Comes Home](#) – Law 360