

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: PART 12

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THE PEOPLE OF THE STATE OF NEW YORK

DECISION AND ORDER

-against-

IND NO. 1857-96

STEVEN RUFFIN,

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MARGARET W. MARTIN, J.:

On March 18, 2026, Mr. Ruffin moved for an order pursuant to CPL §190.25(4), unsealing the grand jury proceedings, including minutes, exhibits, voting sheets, etc., in the possession of the Kings County District Attorney's Office, in the above captioned matter for purposes of being used by the parties in pending civil litigation, *Steven Ruffin v. City of New York*, et al., 25-cv-2138 (NGG) (SDE) (EDNY) and *Steven Ruffin v. State of New York*, Claim No. 142580 (Ct. Claims) (Shillingford, J.). After consideration of the submissions filed, relevant statutes and caselaw, the Court ORDERS the disclosure of the transcripts of the grand jury proceeding, including testimony, grand juror questions, legal instructions and the exhibits entered into evidence related to indictment #1857-96.

Background

On November 21, 1996, Mr. Ruffin was convicted after trial by jury of Manslaughter in the First Degree (PL § 125.20) and Criminal Possession of a Weapon in the Second Degree (PL § 265.03). He was acquitted of the top count, Murder in the Second Degree (PL§ 125.25[1]). Thereafter, on December 11, 1996, Mr. Ruffin was sentenced to a term of twelve and a half to twenty-five years in prison on Manslaughter in the First Degree to run consecutively with a term of seven and a half to fifteen years in prison on Criminal Possession of a Weapon in the Second Degree. On October 4, 1999, the Second Department modified these terms to run concurrently. On June 24, 2010, Mr. Ruffin was released to parole after serving fourteen and a half years of the prison sentence.

On January 18, 2024, a Judge of this Court, on the motion of Mr. Ruffin and the Kings County District Attorney's Office ("KCDA"), vacated the judgment of conviction against Mr.

Ruffin and dismissed the indictment. This was the result of a reinvestigation of the case against Mr. Ruffin, conducted jointly among the KCDA Conviction Review Unit (“CRU”), the Legal Aid Society, and Mr. Ruffin’s pro bono attorneys. The reinvestigation concluded with a report issued by Eric Gonzalez, the District Attorney of Kings County (“District Attorney”) and the KCDA’s CRU, detailing the exhaustive efforts of the CRU to investigate the conviction and the underlying shooting. This report stated, in no uncertain terms, that there were multiple bases for vacating the judgement of conviction: inadequate investigations by the police and the prosecution, especially in regard to an individual from whom the police recovered the gun used in the homicide, “apparently due to tunnel vision and confirmation bias[],” the unreliable confession by Mr. Ruffin, the eyewitness’s unreliable identification of Mr. Ruffin and that certain exculpatory evidence, which “would have created reasonable doubt as to the defendant’s guilt,” was not presented to the jury. *Motion to Unseal, Defense Exhibit A (CRU report)(hereinafter referred to as “CRU report”)*, pg. 55. On August 28, 2024, after vacatur of the conviction and dismissal of the indictment, Mr. Ruffin filed a Verified Claim in the New York State Court of Claims (“Court of Claims”) based on his wrongful incarceration. On April 16, 2025, Mr. Ruffin also filed a federal civil rights action, pursuant to 42 U.S.C. §1983, in the Eastern District of New York (“E.D.N.Y.”), alleging police and prosecutorial misconduct in the investigation and prosecution of the case against him.

Via the present motion, Mr. Ruffin argues that the release of the grand jury minutes and various related materials is necessary to prove his claims in the Court of Claims action and the E.D.N.Y. action. The KCDA opposes, arguing only that Mr. Ruffin’s motion is based on “speculation and conclusory allegations” and that, therefore, he has failed to demonstrate a compelling and particularized need for access to the records. *KCDA Opposition to Motion to Unseal*, paragraph 8.

Disclosure of Grand Jury Materials

As stated in CPL §190.25(4)(a):

“Grand jury proceedings are secret, and no grand juror, or other person specified in subdivision three of this section. . . may, except. . . upon written order of the court, disclose the nature or substance of any grand jury testimony, evidence, or any decision, result or other matter attending a grand jury proceeding.” CPL §190.25(4)(a).

Secrecy regarding grand jury proceedings “applies equally to either one who gives evidence or to one concerning whom evidence is given.” *Matter of District Attorney of Suffolk County*, 58 N.Y.2d 436, 443 (1983). Both Mr. Ruffin and KCDA acknowledge the importance of upholding such secrecy, but as the Court of Appeals has stated, “the rule of secrecy is not absolute.” *Id.* at 444. Indeed, release of grand jury minutes lies within the discretion of the trial court; however, the Court must first find that the party seeking disclosure has “demonstrate[d] a compelling and particularized need for access.” *Id.* Thereafter, if the Court finds the public interest in disclosure outweighs the public interest in keeping such a proceeding secret, the Court may, in its discretion, release the materials. *Id.*

Mr. Ruffin has demonstrated a compelling and particularized need for access to grand jury materials

In this case, the Court finds Mr. Ruffin has demonstrated a compelling and particularized need for access to the grand jury materials that pertain to his indictment. Mr. Ruffin spent fourteen and a half years incarcerated for a conviction after trial that the District Attorney and the KCDA’s CRU have recently, publicly stated is unreliable. *CRU report*, pg 55. His conviction and incarceration were, obviously, the impetus for the pending lawsuits in the Court of Claims and the E.D.N.Y. As noted, the People’s position at the time of the vacatur proceeding was that there were multiple reasons to doubt the conviction’s reliability. *Id.*

In his motion papers, Mr. Ruffin argues that the grand jury materials are essential to his pending state and federal claims because they will “shed[] light on the information known to police officers at the time they initiated and maintained the prosecution.” *Motion to Unseal*, pg. 6, paragraph 28; see *Matter of District Attorney of Suffolk County*, 58 N.Y.2d 436 (1983). Specifically, Mr. Ruffin asserts that prosecutors from the KCDA secured an indictment and conviction after trial without disclosing “multiple non-identifications of Mr. Ruffin” by an eyewitness to the shooting, “the suggestive identification procedures that ultimately resulted in Mr. Ruffin’s false identification or the coercive circumstances of Mr. Ruffin’s false confession.” *Ruffin Reply*, paragraph 7. This Court’s review of the CRU report shows that while the CRU did not conclude that there were “multiple non-identifications of Mr. Ruffin” by this eyewitness, the report found that the identification of Mr. Ruffin and his confession were both unreliable.

Indeed, their unreliability served as reasons for vacatur. *CRU report, pg. 55; Motion to Unseal, Defense Exhibit B (Minutes of Vacatur Proceeding)*.

There is no doubt that the police investigation in this case, such as it was, provided the basis for securing the indictment, which was voted fifteen days after the homicide and eight days after Mr. Ruffin was arrested. The testimony of witnesses and materials presented to the grand jury would demonstrate what the investigating police officers and prosecutors knew at the time of Mr. Ruffin's arrest; therefore, such records would be relevant to Mr. Ruffin's actions now pending in the Court of Claims and the E.D.N.Y. based on malicious prosecution and police and prosecutorial misconduct.¹ In a case such as the instant matter, where the indictment and subsequent conviction have been repudiated by the KCDA, the compelling and particularized nature of Mr. Ruffin's need for the materials he requests is beyond any real dispute. Accordingly, the Court finds Mr. Ruffin has satisfied the first part of the inquiry. *Matter of District Attorney of Suffolk County*, at 444, *supra*.

The public interest in disclosure outweighs the public interest in grand jury secrecy

The Court now turns to the question of whether the public interest in disclosure outweighs the public interest in keeping such material secret.² The Court finds that, in this case, the public interest in disclosure is weightier than the public interest in keeping the grand jury records secret.

Generally, there are five factors considered by Courts as a basis to preserve the secrecy of grand jury minutes:

“(1) prevention of flight by a defendant who is about to be indicted; (2) protection of the grand jurors from interference from those under investigation; (3) prevention of subornation of perjury and tampering with prospective witnesses at the trial to be held as a result of any indictment the

¹ In his Reply to the KCDA's Opposition to the Motion to Unseal, Mr. Ruffin informs this Court that in his pending state and federal actions related to malicious prosecution, he must show that his indictment was secured without probable cause. He argues that the grand jury records in this case will elucidate this issue because they would show how the grand jury was “misled and/or probative favorable evidence was withheld from it”. *Ruffin Reply*, paragraph 10.

Mr. Ruffin further informs this Court that the grand jury records are also important to his claim of prosecutorial misconduct, which includes “the presentation of and failure to correct false or misleading evidence and argument at pre-trial and trial proceedings, summation misconduct of other kinds, an[sic] failure to disclose *Brady* material.” *Ruffin Reply*, Paragraph 12 (citing to Federal Complaint).

This Court readily sees that the substance of the grand jury proceeding would be highly relevant to Mr. Ruffin's claim that his indictment and conviction were secured without probable cause and/or as a result of police or prosecutorial misconduct.

² In their papers, the KCDA does not address this balancing test.

grand jury returns; (4) protection of an innocent accused from unfounded accusations if in fact no indictment is returned; and (5) assurance to prospective witnesses that their testimony will be kept secret so that they will be willing to testify freely.” *People v. DiNapoli*, 27 N.Y.2d 229, 235 (1970).

Here, the Court finds that the fifth factor, “assurance to prospective witnesses that their testimony will be kept secret so that they will be willing to testify freely,” is the only relevant criterion to assess with respect to this case. *Id.* While the public interest in keeping grand jury testimony secret is significant, there is also, of course, a very strong public interest against wrongful convictions obtained through faulty investigation by the police and the prosecution. The joint reinvestigation in this case resulted in the KCDA CRU’s filing a *public* report detailing its lack of confidence in Mr. Ruffin’s conviction based on the inadequate investigations done by NYPD and the KCDA, the unreliability of particular evidence obtained as a result of those investigations as well as errors by Mr. Ruffin’s trial counsel. On that basis, the People moved to vacate the judgement of conviction and to dismiss the indictment. It should again be noted that the indictment at issue here was voted thirty years ago. Moreover, detailed in this report is the identity of every witness who testified at the suppression hearing and at trial and/or who was interviewed by the police, the trial prosecutor and, later, the CRU.³ The substance of their testimony is also recounted in the report. In sum, neither the identity of these witnesses nor the substance of their testimony is in any way heretofore undisclosed.⁴ Therefore, there is no risk that the identity of any grand jury witness would be revealed by the release of the grand jury materials sought by Mr. Ruffin. Finally, while it is true that grand jury secrecy helps to ensure that witnesses will be willing to testify freely, this Court is mindful that such secrecy has a negative effect when it results in protecting witnesses whose testimony and investigation are later shown to be unreliable or inadequate, or to contain significant misrepresentation, and thereby lead to a wrongful conviction.

³ KCDA has not informed this Court that there were witnesses who testified in the grand jury in this case who did not also testify at the suppression hearing or the trial of this matter.

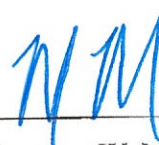
⁴ To the extent that any grand jury witness was called as a People’s witness at Mr. Ruffin’s trial, the transcript of that witness’s prior testimony was required to be provided to the defendant before the witness testified, according to former CPL Article 240, which was in effect at the time of Mr. Ruffin’s trial. *See* CPL §240.45 (repealed by L. 2019, c. 59, p. LLL§1). Its much more expansive successor statute, CPL Article 245, requires that all grand jury testimony be provided to the defendant automatically at the beginning of the prosecution. *See* CPL §245.20, Automatic Discovery. This further erodes any concern regarding the importance of grand jury secrecy in this case.

Conclusion

Based on the 2024 vacatur of the judgement of conviction, the dismissal of the indictment against him and the reasons therefor, and the proof requirements of his pending state and federal actions, the Court finds that Mr. Ruffin currently possesses a compelling and particularized need for access to the grand jury materials pertaining to his 1996 indictment. In addition, in light of the significant passage of time that has occurred since Mr. Ruffin's indictment and trial, that the KCDA's public report has already identified all of the witnesses involved in this case, that the witnesses have already testified publicly at a suppression hearing and at trial, that the substance of their testimony is detailed in the report, that the current and, likely, former discovery law governing criminal cases would have required the People to provide Mr. Ruffin with the testimony of all of the grand jury witnesses, considered with the very strong public interest in avoiding wrongful convictions, the Court finds that the public interest in the disclosure of the grand jury materials outweighs the public interest in grand jury secrecy. Therefore, the Court further finds that the most appropriate use of its discretion is to ORDER disclosure of testimony, grand juror questions, legal instructions and exhibits entered into evidence during the proceeding. This ORDER does not encompass "voting sheets, etc.," requests for which were included in Mr. Ruffin's motion. At this point, the Court does not see that a need for such materials was established in the motion papers.

This constitutes the decision and order of the Court.

Dated: July 7, 2026



Margaret W. Martin, AJSC

HON. MARGARET W. MARTIN