

LONG ISLAND / CRIME

ONLY IN NEWSDAY

Christopher Ellis acquitted in 1990 fatal shooting of Hofstra assistant coach Joseph Healy after serving more than 30 years in prison



Christopher Ellis, right, weeps on Friday as a Nassau jury acquits him of second-degree murder in the killing of a Hofstra assistant football coach in 1990. Credit: Newsday/Howard Schnapp

By Janon Fisher

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A Nassau County jury on Friday acquitted Christopher Ellis in the 1990 fatal gunpoint shooting of a Hofstra assistant football coach after serving more than 30 years behind bars for the crime.

The verdict was announced two weeks after Ellis went on trial a second time for second-degree murder and attempted robbery of Joseph Healy, 25, who was also a graduate school student.

Supreme Court Justice Patricia Harrington overturned his original 1993 conviction two years ago after determining that Nassau County detectives had failed to turn over hundreds of pages of notes

and leads that could have been used in his defense.

"It's about time," Ellis said outside the courthouse after the verdict. "From day one, I've been telling them I'm innocent and nobody's been listening to me until today."

WHAT NEWSDAY FOUND

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- **The verdict was announced** two weeks after Ellis went on trial a second time for second-degree murder and attempted robbery of Joseph Healy, 25, who was also a graduate school student.
- **Ellis had signed a confession** during a police interrogation but later recanted, saying that he had been under duress and was denied food, water and sleep by detectives.

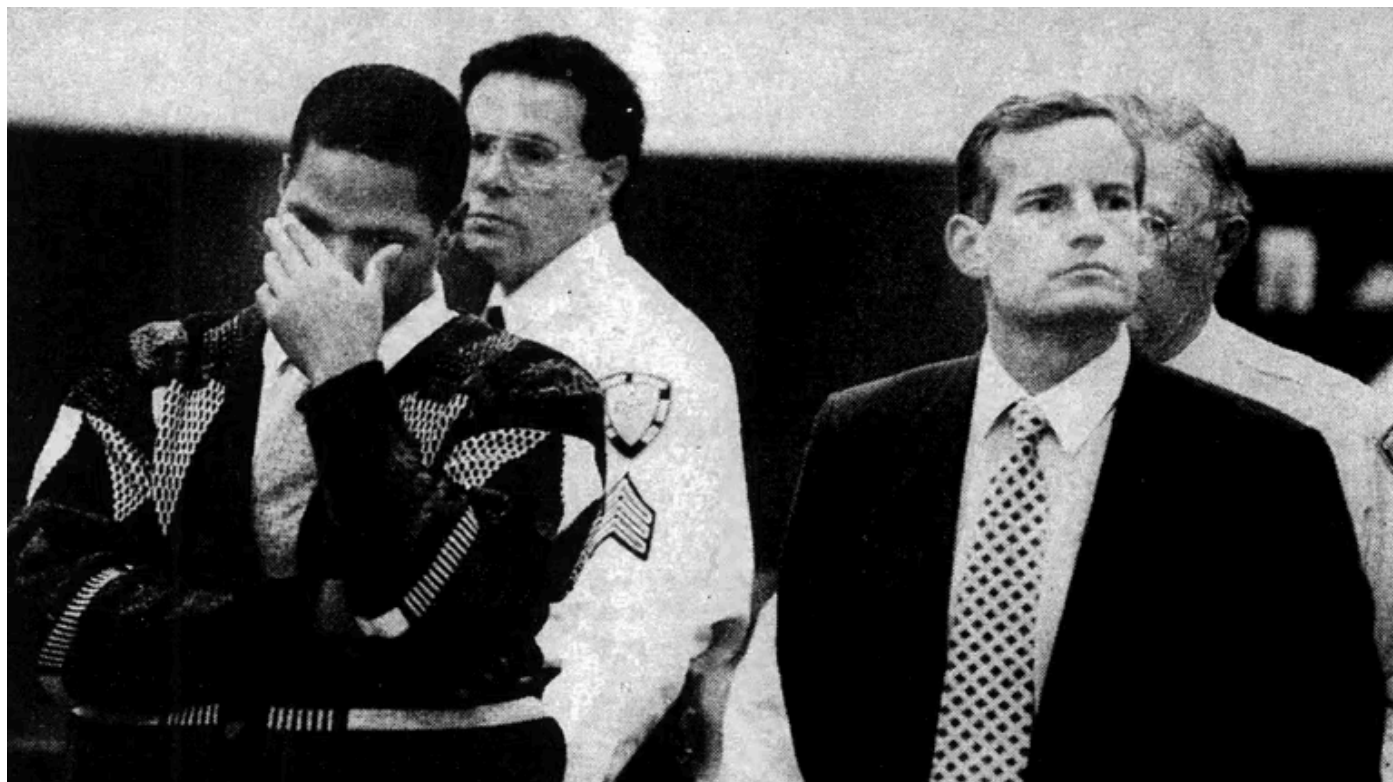
Ellis, 54, originally of Hempstead, had signed a confession during a police interrogation but later recanted, saying that he had been under duress and was denied food, water and sleep by detectives.

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Christopher Ellis, left, with his lawyer, Dennis Lemke, in December 1992. Credit: Newsday / John Keating

Ellis maintains he was DJing his brother's party on Sept. 29, 1990, when Healy was fatally shot in the face during an early morning stickup outside the Arby's drive-thru in Hempstead near the college campus.

Cristen Baeker, who witnessed the shooting, broke down in tears on the witness stand recalling the scene outside the fast food restaurant.

She said she and some girlfriends had gone out dancing and drinking and met up with Healy and his friends at a bar. Around 2:30 a.m. the group headed to Arby's, but the fast food restaurant had closed the dining area and was only offering takeout. The group got their orders and sat down on the curb by the drive-thru to eat when two men, one of who was armed, appeared and ordered them to their feet.

Baeker, who said she only saw two assailants, recalled that in a matter of seconds, she heard one of the men say, "Just do him" and saw Healy shot at close distance. The men fled on foot.

She identified another man, David Liles, in a police lineup, but not Ellis.

Liles, Ellis and Gary Lawrence were arrested in February 1991, four months after the killing, in a Freeport drug sting. Police said that they had plotted to stick up a drug dealer and investigators said

that they recognized the men from composite sketches. They were also charged with attempted robbery.

At this first trial, Ellis was found guilty of murder in the second degree, two counts of first-degree attempted robbery, two counts of second-degree criminal possession of a weapon in and other charges.

After spending 31½ years in prison, he was due to be paroled three months before his conviction was overturned and a judge ruled that he should be released early.

"In weighing all the factors, the defendant has failed to demonstrate some compelling factor, consideration or circumstance which renders his prosecution unjust," Harrington said in her decision and called a retrial "appropriate."

The Nassau District Attorney Office's Conviction Integrity Unit had started reviewing the case in 2019 and in 2021 acknowledged that there had been an error in the trial but determined that they still had the right defendant.

"While failure to provide the detective's notes requires vacatur of Mr. Ellis' murder conviction, prosecutors have determined, based on a thorough review of the evidence, that retrial is warranted to ensure justice is done," according to a statement issued by the district attorney.



Christopher Ellis at his second-degree murder trial in Nassau County Court in Mineola on Friday. Credit: Newsday/Howard Schnapp

Ellis, who is married and manages an auto shop in Astoria, Queens, said after the verdict that the prosecutor's insistence to retry the case was motivated by a desire to protect the police.

"They want to make guilt," he said. "They didn't want to admit guilt. They didn't admit that they did something wrong. They did us dirty."

In his closing arguments, defense attorney Earl Ward asked the jury to consider that only two people were present at the shooting, not three as prosecutors had argued.

"Where do they get this magical mystery third person?" he asked. "Why do they need this magical mystery third person? The government needs you to believe that this third person exists so you can convict Christopher Ellis of murder."

After a day and a half of deliberations, jurors wanted to know who had provided the information on the composite sketch police used to identify the suspects and if the other suspects appeared in photo arrays for identification.

Less than an hour later they came back with a verdict of not guilty of second-degree murder and attempted robbery – the charges that he had been retried on.

"We respect the jury's decision," Nassau County District Attorney spokeswoman Nicole Turso said.

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