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'Put my arms around him': Albany man's murder conviction vacated

Sherrod Craft, who spent 24 years in prison for a murder his attorneys said he didn't commit, was released Wednesday after his conviction was vacated by a judge.

By **Brendan J. Lyons**, *Managing Editor*
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Sherrod Craft answers questions from Judge William T. Little during a hearing at the Albany County Judicial Center on Wednesday. The judge vacated Craft's murder conviction as he was midway through a sentence of 50 years to life.
Lori Van Buren/Times Union

ALBANY — Sherrod Craft's family members and supporters applauded Wednesday as he shuffled into an Albany County courtroom wearing shackles, handcuffs and a state prison uniform minutes before a judge vacated his conviction and ended his 50-years-to-life sentence for a 2001 shooting that killed a teenage girl in Albany.



For the 45-year-old father of two daughters, the proceeding was the culmination of a more than eight-year battle by his attorneys to free the man they said has always maintained his innocence and had never given up hope that he would be vindicated.

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Craft's release from state prison after serving more than 24 years for homicide and attempted murder — a young man who was the alleged target in the shooting was wounded — came a year after his co-defendant, Alfonzo Davis, had his [conviction vacated in the same courtroom](#). He was released after serving 23 years in prison for a murder his attorneys said he didn't commit.

Both of the convictions were tied to the police work of former Albany Detective Kenneth P. Wilcox, a once-revered police officer who died in an on-duty 2006 car crash. Wilcox left behind a tainted legacy that included a string of homicide convictions against defendants who were later cleared of the murder charges.

In Craft's case, it was the affidavit of a key witness who had testified against him only to admit more than 15 years later that Wilcox had pressured him to implicate the men in the murder of Shakira Chambers, who was sitting on the front stoop of a South End residence next to Javonn Morton when two men wearing hoodies and armed with guns opened fire. Morton, according to police, had been the intended target.

After Judge William T. Little vacated Craft's conviction Wednesday — under an agreement with the district attorney's office that required Craft to plead guilty to a nonviolent felony charge of attempted assault — he departed the courtroom still shackled and in the custody of state correction officers for what his attorneys said was supposed to be only a few more hours in state custody. But corrections officials late Wednesday said Craft would be released on Thursday, because they did not receive his release papers from the court until "after the close of business."

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Craft smiled in court as he passed his family members and friends, who were jammed into several rows of benches and wearing purple in a show of solidarity for his wrongful conviction. They erupted in cheers, with several yelling, "We love you," as he walked out.

Under the deal to vacate his murder conviction, Craft is expected to be sentenced in June to 2 to 4 years for an attempted assault charge, but will receive "time served" for the 24 years he has spent in state prison.

'A second chance'

Moments after Craft left the courtroom, his mother, Arlene Brathwaite, was surrounded by family members who embraced her in a circle. Tears streamed down their faces while she sobbed quietly as the gravity of the moment appeared to overwhelm her.

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"To see my son outside the prison wall, it just means everything to me," Brathwaite said minutes later, when the family had gathered outside the courtroom. "Because for many years, my dream was my son was going to be released; but in the dream, I was never present. You understand? So, to still be alive and blessed with my health and to see my son walk out ... and to see the things that he missed, God has given him a second chance of life and, in turn, given me a second chance of life."

Brathwaite said that he is her only son and that his two daughters were 4 and 5 years old when he was sentenced to prison. At the time, she said, he had been the family's "jokester, who kept everyone laughing."

"Even as a young person, he always wanted to be the one that kept us all together," she said, adding that she had visited him frequently in prison, "but he gave me permission to get on with my life."

'Maintained his innocence'

The investigation that led to the murder convictions of Craft and Davis began in June 2001 when Broderick Green was fatally shot in Albany. The shooting of Chambers and Morton occurred later that day in the city's South End and was allegedly carried out in retaliation for the death of Green.

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Days later, Wilcox and another detective arrested a man who was a bystander near the scene of the shooting. He allegedly identified one of the shooters as a man known as "Up Top." That man, Anthony Malloy, who was arrested on June 19, 2001, for an unrelated charge, purportedly told Wilcox and former Albany Detective Anthony Ryan, after being interrogated for four hours, that Craft had told him that he and Davis had been the shooters who killed Chambers and wounded Morton.

But the detectives never established Malloy had an alibi at the time of the shooting. He later recanted his statement and claimed that Wilcox had pressured him to implicate Craft and Davis, who were convicted despite no forensic evidence linking them to the homicide.

Last year, Davis was sentenced to time served for gun possession after his homicide conviction was also vacated by a judge at the request of his attorneys and with the consent of prosecutors. His attorney, Joshua Kelner of New York City, said they were satisfied with the outcome, although it still required their client to admit to a felony weapons charge. He had agreed to that outcome because the 8-year prison sentence he received meant he could walk out of prison.

Outside court on Wednesday, Earl Ward and Julia P. Kuan, New York City attorneys who represented Craft and specialize in cases involving wrongful convictions, said their client had never wavered from his position that he was innocent.

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Ward had first contacted the Times Union in 2016, seeking background on the case and saying his firm was "just getting involved."

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"We did a lot of investigation; we hired private investigators," Ward said Wednesday, adding, "from the moment we met (Craft), he's always maintained his innocence."

A break finally came when an Albany official connected them with a key witness in the case who claimed he had been coerced by detectives into giving the statement incriminating Craft.

They said that became a turning point (in both cases) and that the district attorney's office was willing to agree to vacate the convictions of both men after being presented with evidence that called into question their guilt. The cases were handled by Assistant District Attorney Michael Connolly, who has for several years led the office's efforts to review cases involving potential wrongful convictions.

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In court Wednesday, Ward commended Connolly for his work on Craft's case over the past several years.

"The DA's office knew how notoriously corrupt Wilcox was, so this was the last bit that they needed to persuade them to do the right thing," Kuan said of the witness who came forward and recanted. "We never gave up hope that this day would come. We never lost faith in Sherrod's innocence. We really believed in his innocence and still do ... and that's why we never got off the case and continued to work with him."

'Put my arms around him'

There have been multiple cases in which [questionable confessions obtained by Wilcox](#) in the 1990s and early 2000s have faced scrutiny. Craft is the fourth person in the past decade to have a murder conviction vacated in a case involving Wilcox — and in all of the cases, the incriminating statements the former detective or his colleagues had obtained were central in the prosecutions.

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Wilcox and the Albany police regularly built homicide cases in an era in which signed confessions obtained from suspects or witnesses were integral to the prosecutions.

But questions about whether Wilcox and other Albany detectives had used coercion and fabricated information to get many of their witnesses and suspects to sign false statements date to at least 1999, when he obtained a detailed murder confession from a 19-year-old Albany man — Kevin Cherry — who was accused of killing a drug dealer. Cherry stood trial for murder, but a jury deadlocked on his innocence. On the eve of his second trial, Cherry was set free when two other men were identified as the real suspects after an eyewitness — their getaway driver — came forward.

The unraveling of the murder charges against Cherry did not lead to any reforms or internal reviews of the tactics by Wilcox and other detectives, who at that time interrogated witnesses and suspects in interview rooms that lacked video cameras.

Wilcox was posthumously implicated in a massive mortgage fraud scheme that had led to the conviction of his former business partner, Aaron Dare, who served sentences in state and federal prisons.

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Last year, after Davis' attorneys said he had been exonerated, then-District Attorney David Soares declined to declare that Davis was innocent and said their decision to settle the case by dismissing the murder conviction was simply because it would be too difficult to prove the case more than 20 years later. That difficulty also would have been exacerbated by the fact that two key witnesses in the case recanted their claims that Davis was involved in the homicide.

"I just want to make sure that we're all on the same page here when we're discussing that this is not an innocence issue," Soares had said. "There is no wrongful conviction. There is no exoneration."

District Attorney Lee Kindlon, who authorized the deal to vacate Craft's conviction, attended and observed Wednesday's court proceeding. He sat in the public area of the courtroom and left afterward, after waving to a reporter.

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Outside court, Craft’s mother was disappointed he was not released from custody immediately, but said she is looking forward to seeing him “without the shackles and all this other stuff.”

“I can’t wait to just, just put my arms around him, because I couldn’t do it in there,” she said.

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