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# NY Court Grants New Trial For 1998 NYC Restaurant Murder

By **Elizabeth Daley**

Law360 (March 12, 2026, 8:38 PM EDT) -- A man who was convicted of murder for the 1998 shooting death of an employee at a Brooklyn Chinese restaurant has been granted another trial in light of new witness statements, with a New York Appeals Court reversing a lower court's decision.

In a unanimous published **opinion** Wednesday, a four-judge panel found that Anthony Sims deserved another opportunity to defend himself against murder allegations that were primarily based upon the testimony of a single witness, Julius Graves. Another witness has now claimed that Graves is the killer, the court said.

A new witness, identified only as Rachel L., said that she saw Graves "leaving the restaurant and holding a long gun on the day of the shooting," the court said, noting this "undermined the People's identification theory and was therefore material."

In addition, a witness identified as Shalema R. recanted her testimony describing two men leaving the restaurant, including a taller man. She now says that she had initially told police she couldn't describe the person she saw holding a gun, and couldn't make out anything about their physical appearances, the panel said.

Shalema R. said that when she was being interviewed by police, she was separated from her four-year-old child and "questioned her for hours until she gave a description that matched the defendant," the appeals court explained. "She felt pressured to 'fill in' gaps with information that was told to her," the court said.

Rachel L., who was 17 when she allegedly witnessed Graves "running out [of] the Chinese restaurant with a long gun," said that he threatened to "shut [her] up" shortly after Sims was arrested. As a result, Rachel L. initially denied that she saw anything, explaining that she was reluctant to testify because she feared for her safety.

Meanwhile, Sims, who was close friends with Graves, had always said Graves shot the restaurant worker, according to the panel.

Sims' attorney, Ilann M. Maazel, said in a phone interview that Sims knew Graves had killed the victim because they drove to the Chinese restaurant together and Sims was inside, thinking he was getting food when Graves, who had been in the car, followed with a gun, allegedly shooting Li Run Chen.

"It wasn't random," Maazel said of the shooting, saying that Sims testified Graves was drinking and that Rachel L., whom he had questioned, said Chen allegedly flirted with Graves' fiancée, so "Graves said he wanted to go into the restaurant and 'scare' him."

However, due to what Maazel called "colossally bad policing," investigators narrowed in on Sims rather than Graves, led by a tip from one of Graves' family members, the attorney said.

Maazel said that because the Brooklyn district attorney put Graves before the grand jury, "Under New York law, that immunized Graves from the murder," making this a case of "multiple injustices."

The court said that when considering Rachel L.'s new testimony and Shalema R.'s recantation, "there

is a reasonable probability that had such evidence been received at trial, the verdict would have been more favorable to the defendant." As a result, the court granted Sims a new trial.

The Brooklyn District Attorney's Office did not say whether it would be charging Sims again and said it is reviewing the court's decision, declining to comment on whether Graves would face any charges.

In an email to Law360, Sims' attorney, Thomas Hoffmann, lamented the process his client had to go through to get results.

"Unfortunately these exonerations require miracles. Anthony needed permission to appeal. A single judge decides the request. Permission is granted in very few cases. Another judge could have easily denied that permission, preventing an egregiously unjust decision from ever being reviewed."

Sims was convicted of murder by a jury in 1999 and was sentenced to up to life in prison, and paroled in 2022, according to the Brooklyn District Attorney's Office. Since then, Sims has been a Ford Foundation employee with "an impressive record as an advocate, group facilitator, and peer mentor," his attorney Jonathan Hiles said in an email.

Hoffman said many innocent people like his client are denied the right to appeal. Sims had been fighting for years to appeal a denial of a motion to set aside a conviction, Hoffman explained.

"The prosecution, on the other hand, has an absolute right to appeal if they lose a 440 Hearing" — a New York post-conviction proceeding used to vacate a judgment or set aside a sentence, Hoffman said.

"Last year, Governor Hochul vetoed a bill that would have given that right to the litigant," he added.

In an email to Law360, Sims said he was "overjoyed with gratitude for my family, friends, and every supporter who stood by me throughout this nightmare. Their unwavering faith sustained me."

He noted that his exoneration also "shines a harsh light on a system that prioritizes conviction statistics over justice."

He said there was "a rush by some prosecutors and police officers to close cases by any means necessary—rather than pursuing the truth," calling it "a profound and destructive failure."

"I will now focus on rebuilding my life and advocating for those still trapped in this dysfunctional system," he said.

Justices Betsy Barros, Valerie Brathwaite Nelson, Barry E. Warhit and Elena Goldberg Velazquez sat on the panel.

Sims is represented by Ilann M. Maazel and Samuel Shapiro of Emery Celli Brinckerhoff Abady Ward & Maazel LLP, Jonathan Hiles of Hiles Hoffman PLLC, the Law Offices of Thomas Hoffman PC and Nairuby L. Beckles.

The prosecution is represented by Leonard Joblove and Solomon Neubort of the Brooklyn District Attorney's Office.

The case is *The People of the State of New York v Anthony Sims*, case number 2023-03543, in the New York Supreme Court Appellate Division, Second Department.

--Editing by Kelly Duncan.