

ZMO LAW PLLC

February 11, 2022

*Via email to Maggie_Hopkins@judiciary-dem.senate.gov
and Brendan_Chestnut@judiciary-rep.senate.gov*

The Honorable Richard Durbin
Chair, Committee on the Judiciary
United States Senate
Washington, DC 20002

The Honorable Chuck Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20002

RE: Nomination of Nina Morrison, Esq. as U.S. District Judge

Dear Senators Durbin and Grassley:

It is a singular pleasure for me to write in support of the nomination of my law school classmate Nina Morrison as United States District Judge for the Eastern District of New York. I have known Ms. Morrison for well over two decades. She is at once kind, patient, decisive, and a skilled listener. She talks to everyone and is open to new ideas. She has an incisive legal mind. She will make a fine addition to the bench.

I am a criminal defense attorney in New York City and the head of a three-attorney law firm. My day-to-day practice consists largely of court-appointed work under the Criminal Justice Act in the Eastern District of New York and the Southern District of New York. Our EDNY cases are big and small—I represent numerous young people begging for a second chance after being charged with selling small amounts of drugs, as well as, for example, an international businessman who was convicted of a complex cyber fraud run out of his apartment on the Black Sea. Despite serving a population of around eight million souls, the EDNY courthouse has a friendly, small-town feeling. Judges, defense attorneys, and prosecutors all treat each other with respect and see their jobs as a search for truth. Ms. Morrison will fit right in.

I knew Ms. Morrison at New York University School of Law and recall her being a step ahead of the other students as we struggled to make sense of the Socratic method and the abstruse language of the cases we were studying. As I built my practice and she progressed through the ranks at the Innocence Project, I was aware that she was becoming a leading voice for people wrongly convicted. But I really got to know her starting in 2014, when

she recruited me to work with her on the case of Felipe Rodriguez, a Brooklyn man who had been framed by detectives in Queens in 1989. Over seven years on the case already, the Innocence Project had run down all the physical evidence. It was clear there was no DNA and so the matter fell outside their normal jurisdiction.

But Nina never gave up.

We worked together to do a top-to-bottom reinvestigation. The main witness, only witness really, against Mr. Rodriguez fully recanted and told us how he was abused and manipulated by detectives. We applied for clemency and brought the case to the attention of the Queens District Attorney's Office. Gov. Cuomo granted a commutation of Mr. Rodriguez's sentence. QDAO reinvestigated. Ms. Morrison, gently and persuasively, spoke to the investigating assistant district attorneys, month-after-month, year-after-year, until they were as convinced of Mr. Rodriguez's innocence as we were. She knew how to talk to the prosecutors, just like she knows how to talk to everyone. Felipe Rodriguez was finally exonerated on December 30, 2019. There is a picture of Ms. Morrison, Mr. Rodriguez, and me on the front page of the next day's Daily News, grinning ear to ear.

I urge you to see Ms. Morrison's work fighting wrongful convictions as part of the kind of public service expected from members of the judiciary. Unlike traditional criminal defense lawyers, her practice is limited to people she believes are actually innocent of their crimes. While she may at times be critical of police and prosecutors, her critique is entirely constructive. All she asks is for government officials to do their jobs honestly and take their constitutional obligations seriously. When that happens, the American legal system works its magic and the innocent are freed. I have been lucky to be there when Ms. Morrison made that happen once. As a federal judge, she will ensure that justice is done in every case that comes before her.

I am available to speak to you at any time if there is further information I can provide to the Committee.

Very truly yours,

Zachary Margulis-Ohnuma

Zachary Margulis-Ohnuma
Principal Attorney