

Affidavit of Derrick Brown - Sworn on July 31, 2025

EXHIBIT 6

AFFIDAVIT

Re: Benjamin Castricone

STATE OF NEW YORK) ss.:
COUNTY OF ULSTER)

I, Derrick Brown, being duly sworn, deposes and says:

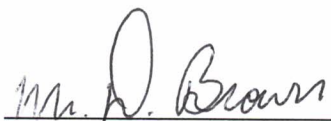
1. I am fully familiar with the facts and circumstances set forth herein, and have personal knowledge of the same.
2. I am an inmate presently incarcerated at Attica Correctional Facility, Attica, New York.
3. I make this Affidavit on behalf of Benjamin Castricone.
4. I make this Affidavit of my own volition and free will. No threats or promises have been made against me by anyone in exchange for this Affidavit.
5. On August 9, 1991, I was picked-up by car by 3 friends, to wit: Tuffy Summer-ville (upon information and belief a/k/a Thomas Roland), Johnnie Lane and Eric Gordon. Benjamin Castricone was not in the car. As we proceeded down Main Street towards Transit Road, we noticed there was a Kentucky Fried Chicken Restaurant on Transit and Eric and I then decided that we would hold-up and rob the Kentucky Fried Chicken Restaurant.
6. I understand that fingerprints of the robbers may have been found at the scene of the robbery which police authorities were allegedly unable to match to any suspect fingerprint in the police database at that time. I state that on August 9, 1991, I did not then

have a prior criminal conviction and, therefore, that my fingerprints were not on file with any police agency for comparison to the fingerprints located at the Kentucky Fried Chicken Restaurant.

7. I later learned that an individual named Benjamin Castricone had been wrongfully convicted sometime in August of 1991 for the robbery of the Kentucky Fried Chicken Restaurant which he had no involvement.

8. That I affirmatively state that Benjamin Castricone was not in any manner involved in the robbery of Kentucky Fried Chicken Restaurant for which he was convicted and imprisoned.

9. I did not know of the person of Benjamin Castricone prior to receiving information that he had been convicted in August, 1991, for the robbery of the Kentucky Fried Chicken Restaurant in question.



Derrick Brown
#94-B-1287
Eastern NY Correctional Facility
30 Institution Rd.
Napanoch, NY 12458-0338

Notary services being unavailable,
I declare under penalty of perjury,
Pursuant to 28 USC § 1746, that
the foregoing is true and correct.

Executed on July ^{31st}~~24~~, 2025



Rogers Hicks - Witness

ROGERS HICKS
COMMISSIONER OF DEEDS
In and for Buffalo, Erie County, NY
Commission Expires December 31, 2026

PO Box 338 Napanoch NY 12458
(845) 647-7400 ext. 4105 I
<mailto:Christina.Suitter@doccs.ny.gov>

From: Louis Rosado <lawoffice1610@yahoo.com>
Sent: Monday, July 14, 2025 9:37 AM
To: Doccs.sm.Eastern.IRC <DoccsEasternIRC@doccs.ny.gov>
Cc: Rogers Hicks <rogershicks@yahoo.com>
Subject: Re: Legal Visit - Derrick Brown #94-B-1287

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Ms. Suitter, good morning:

It is imperative that a Notary be available. Can you check with the facility Notary and provide a few dates that a Notary will be available?

Mr. Rosado, Atty

On Monday, July 14, 2025 at 08:42:04 AM EDT, Doccs.sm.Eastern.IRC <doccseasternirc@doccs.ny.gov> wrote:

Good Morning

Receipt confirmed. However, we don't have the legal visit room available for this date requested. We do have, the general visit area open. We will still be able to offer you privacy as the visit room is still closed to the general public. Please advise if you would like to consider this offer or if you would like to provide a new date for the request. Also please note: as stated in previous requests, we cannot guarantee a Notary on premises, due to staffing.

Thank you.

Christina Suitter
IRC - Office Assistant II
Local 159 CSEA President
ACA Assistant Manager

NYS Department of Corrections and Community Supervision
Eastern New York Correctional Facility
PO Box 338 Napanoch NY 12458
(845) 647-7400 ext. 4105 I
<mailto:Christina.Suitter@doccs.ny.gov>

-----Original Message-----

From: Louis Rosado <lawoffice1610@yahoo.com>
Sent: Friday, July 11, 2025 4:05 PM
To: Doccs.sm.Eastern.IRC <DoccsEasternIRC@doccs.ny.gov>
Cc: Rogers Hicks <rogershicks@yahoo.com>
Subject: Legal Visit - Derrick Brown #94-B-1287

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon,

Please find attached Letter requesting legal visit with above-named inmate. I would appreciate an immediate

Department of Corrections and Community Supervision

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Incarcerated Lookup

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BROWN, DERRICK

DIN: 94B1287

Race/Ethnicity: **BLACK** Date of Birth: **05/08/1975** (age): **50 years old**
Custody Status: **IN CUSTODY**
Housing / Releasing Facility: **EASTERN**
County of Commitment: **ERIE**
Date Received (original): **06/13/1994**
Date Received (current): **06/13/1994**
Admission Type: **NEW COMMITMENT**

Latest Release Date / Type (Released Only):

Crimes of Conviction:

If all crime fields below contain data, there may be additional crimes not shown here. The crimes shown here are those with the longest sentences as of 05/08/2025)

Crime	Class
ATT ROBBERY 1ST	C
ATT MURDER 2ND	B
CRIM POSS WEAP 2ND	C
MURDER 2ND	A1

Sentence Terms and Release Dates

Under certain circumstances, an incarcerated may be released prior to serving their minimum term and before the earliest release date shown for the individual. As of 05/08/2025

Aggregate Minimum Sentence	35 Years, 0 Months, 0 Days
Aggregate Maximum Sentence	LIFE
Earliest Release Date	01/04/2028
Earliest Release Type	PAROLE ELIGIBILITY DATE
Parole Interview Date	09/2027
Parole Interview Type	INITIAL RELEASE APPEARANCE

Parole Eligibility Date	01/04/2028
Conditional Release Date	NONE
Maximum Expiration Date	LIFE
Maximum Expiration Date for Parole Supervision	
Post Release Supervision Maximum Expiration Date	
Parole Board Discharge Date	

Information [Data Definitions](#) are provided for most of the elements listed above.

Department of Corrections and Community Supervision

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