

Winston Wins Acquittal in High-Profile Murder Trial

JUNE 15, 2016

Winston & Strawn client Gilberto Nunez, D.D.S. was acquitted of second degree murder following a three-week jury trial in Kingston, New York. After just six hours of deliberation, the jury found Nunez not guilty of poisoning his lover's husband with a surgical sedative in November 2011. The case received substantial attention in the local media and was documented by 48 Hours (CBS) and Dateline NBC.

The decedent's body was found under suspicious circumstances and showed no immediate cause of death. On February 7, 2012, Nunez was interrogated for seven hours while investigators searched his home and office without his prior knowledge, where they recovered a small amount of the sedative which allegedly caused the decedent's death. Nunez was subjected to intense police investigation for the next several years.

Nunez hired Winston to take over the case in October 2014. We immediately launched a proactive investigation by gathering evidence and interviewing witnesses, which enabled our team to anticipate many aspects of the prosecution's case months before Nunez's ultimate arrest on October 2, 2015. After a series of hearings that stretched over nine days, we obtained Nunez's release on bail pending trial.

We successfully argued that many of Nunez's statements were taken in violation of his *Miranda* rights, and the court ultimately precluded these statements at trial. We also held a hearing at which we challenged the prosecution's attempt to admit purported expert testimony in the field of "headlight spread analysis" which, the prosecution claimed, could be used to identify Nunez's vehicle based on surveillance footage from the night of the death that allegedly showed Nunez and the decedent meeting in the rear of a strip mall parking lot hours before the decedent was ultimately found dead in his vehicle in that same spot. While the court allowed the expert to testify at trial regarding this "analysis," the jury ultimately rejected (or gave little weight to) his opinion.

The prosecution presented more than 50 witnesses and turned over more than 7,000 pages of witness testimony documents on the eve of trial. The defense called two expert witnesses, a pathologist, and a toxicologist. Both testified that they disagreed with the cause of death identified by the prosecution's experts.

After the verdict, one juror interviewed by the press stated simply that "we just didn't feel there was enough evidence" and that there were "too many holes in the chain" to convict Nunez of intentional murder.

The Winston team included Elizabeth Cate, Sean Anderson, and Eddie Rooker.

2 Min Read

Related Locations

New York

Related Topics

Commercial Litigation

Jury Trial

Related Capabilities

Commercial Litigation & Disputes

Related Regions

North America

Related Professionals



[Sean Anderson](#)