

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

PEOPLE OF THE STATE OF NEW YORK,

Ind. No. 2186/02

-- against --

**AFFIDAVIT OF  
JOSEPH MIATA**

FARID POPAL,

Defendant.

STATE OF NEW YORK )

SS:

COUNTY OF ALBANY )

JOSEPH MIATA, being duly sworn, deposes and says:

1. I was a witness at the trial of Farid "John" Popal.
2. I am the former owner of Dr. Nick's Transmissions and the former employer of Mr. Popal and his brother Farhad "Frank" Popal.
3. I make this Affidavit in support of Mr. Popal's motion to vacate his conviction.
4. There was testimony at trial that certain hairs allegedly belonging to the victim, Samiya Haqiqi, were found in a well beneath one of the lifts at Dr. Nick's. I have personal knowledge that this is not true.
5. The well in question, which is filled with oil, is covered and is secured with two bolts on each side of the track. In order to find hairs inside, the police would have to take the lift apart. I know personally that they did not do this and that they did not recover any hair.
6. This would explain the testimony that the forensic examiner received hairs that looked dry and cut rather than oily (which I have been informed of by counsel).

7. In addition, certain testimony that I gave at trial was not true.

8. I testified that I heard Farhad Popal say the word "haqiqi" loudly while on the phone with his brother. In fact I did not hear this because one of the two compressors at Dr. Nick's, both of which were working and made loud noise, was next to the phone. Because the compressor was running loudly, and because there was a big washing machine with turbo jets that was also making noise, I couldn't hear any of the conversation from where I was. Instead, what happened was that I picked up the phone, heard Farid ask for his brother, handed the phone over to Farhad, and then heard nothing more.

9. Also, when I saw Farid's car the following day, it did not appear burned and was not missing seats. It had a scraping on the right side but was otherwise intact.

10. Neither Farid nor Farhad made any admissions of guilt to me and Farhad never stated that "the bitch deserved" what she got.

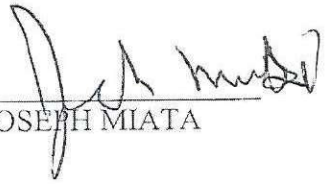
11. I was told what to say by the District Attorney's office. I had a conversation with the prosecutor shortly before trial at which he told me what to say and how to say it. I feel I was misled by the district attorney's office.

12. The reason I make this affidavit now, years after the trial, is that I am currently dying of cancer. The fact that Farid Popal is in prison for murder partly because of my false testimony is weighing on my conscience and I don't want to die without correcting the record. I wish I had made this decision before now but the prospect of dying has focused my mind and I reached out to Farid's attorney to come forward.

13. I have not asked for, received, or been promised any money or other compensation in exchange for this affidavit, and I do not expect to receive any such compensation in the future. My only compensation is to die in peace.

14. If called as a witness in court, I would testify to the above.

Dated: \_\_\_\_\_, NY  
April 10, 2017

  
\_\_\_\_\_  
JOSEPH MIATA

Sworn to before me this  
10<sup>th</sup> day of April 2017

  
\_\_\_\_\_  
NOTARY PUBLIC

BARBARA DAVIS  
Notary Public, State of New York  
No. 01DA6151392  
Qualified in Albany County  
Commission Expires Aug. 14, 2018