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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***LEGAL AID WINS NYS COURT OF APPEALS REVERSAL ON  
OVERCHARGE CASE INVOLVING MAILBOX FISHING STING  
OPERATION***

(NEW YORK, NY) – **The Legal Aid Society** celebrated a New York State Court of Appeals [decision](#) today in *The People v. Omar Deleon*, a [case](#) involving a Bronx man who was unlawfully overcharged in a “mailbox fishing” sting operation. Legal Aid argued that the New York State Appellate Division, First Department, erred in reinstating severe felony charges against Mr. Deleon – for property which he never came close to stealing – that the trial court had properly reduced to a misdemeanor.

From the Court of Appeals decision:

“There was no evidence that the items attached to defendant’s mailbox fishing apparatus had any monetary value, no evidence of the volume of the mail contained in the mailbox or whether it was physically possible for defendant to procure the two money orders deposited in the mailbox by the government investigators amidst the other mail, no evidence as to whether the fishing device was immediately reusable, and no evidence that defendant intended to make successive attempts at fishing out the contents of the mailbox in question. Furthermore, the fact that defendant stated he would be paid \$100 for each mailbox fished does not establish that he came dangerously close to stealing property valued at more than \$3,000 or \$1,000.”

“This is a classic example of prosecutors overcharging our clients with crimes that expose them to harsh state prison sentences,” said **Andrea Yacka-Bible, Supervising Attorney with the Criminal Appeals Bureau at The Legal Aid Society**. “We laud the Court of Appeals for

righting this injustice. It's simple: no New Yorker should ever be charged with a crime that they did not commit.”

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>*