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

***Legal Aid Condemns Officers Involved In Yet Another
Marijuana Planting Scheme At Routine Traffic Stop –
Calls For Their Immediate Firing***

***Jason Serrano, LAS Client, Unaware Of This
Exculpatory Footage, Forced To Accept A Plea To
Avoid Pretrial Incarceration At Rikers Island***

***Serrano's Case Highlights Importance Of Recently
Enacted Discovery, Bail Reforms***

(STATEN ISLAND, NY) – The Legal Aid Society called on the New York City Police Department (NYPD) to fire officers Kyle Erickson and Elmer Pastran following a [report](#) in *The Intercept* of a traffic stop in March 2018, during which these officers appeared to plant marijuana in a car to justify an otherwise entirely unlawful stop-and-search.

Officers Erickson and Pastran were accused of similarly unlawful tactics in a recent *New York Times* [exposé](#). The charges brought in that case against that Legal Aid client - Lasou Kuyateh – were ultimately dismissed. Mr. Kuyateh recently filed a [notice of claim](#) in New York State against the City seeking \$1 million in damages for this incident. Like the incident reported in *The Intercept*, the case involving Mr. Kuyateh occurred in March of 2018.

The Legal Aid Society represented Jason Serrano in the criminal case arising from the incident reported in *The Intercept*, and, because New York’s previous discovery laws did not require the immediate disclosure of police body-worn camera footage, Mr. Serrano and his attorneys were completely unaware that documented evidence of the police misconduct existed. Without access to this critical information, Mr. Serrano eventually pleaded guilty to resisting arrest to avoid pretrial detention at Rikers Island.

With this new exculpatory evidence finally available, Legal Aid attorneys soon plan to file a motion to vacate Mr. Serrano’s conviction.

Although both these officers have faced similar accusations in the past, because of Police Secrecy Law 50a - which shields police misconduct – the public has no way of knowing whether the NYPD has taken any action to investigate and discipline the officers. By denying an accused knowledge of an officer’s prior bad acts, 50-a keeps New Yorkers in the dark about the credibility of the officers who arrest and testify against them.

This case also underscores the need for Albany to enact the Marijuana Regulation and Taxation Act (MRTA) this session. Even after lawmakers enacted decriminalization this past June, New Yorkers of color still shouldered about 90 percent of all marijuana-related police stops.

“Because Mr. Serrano was denied evidence of his innocence, he was forced into the choice of incarceration at Rikers Island or accepting a plea for a crime he never committed. Fortunately, now because of the discovery and bail reforms, people before our courts have access to all the evidence, and can fight their cases at liberty in their community instead of from the confines of a cage,” said **Christopher Pisciotta, Attorney-In-Charge of the Staten Island Criminal Defense Practice at The Legal Aid Society**. “But the newly enacted reforms regrettably do not prevent Officers Erickson and Pastran from using these tactics to criminalize our clients on a routine basis; for this reason, we call for their immediate firing. Such egregious misconduct warrants a swift and decisive response.”

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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>