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

Legal Aid Files Motion To Vacate Conviction For Jason Serrano, LAS Client Who Was Ensnared In Marijuana Planting Scheme

New BWC Footage Reveals Likely Marijuana Stashed On NYPD Officers' Cruiser Floor

(STATEN ISLAND, NY) – The Legal Aid Society filed a [440 motion](#) today to vacate the conviction of Jason Serrano, a Legal Aid client who accepted a plea in 2018 completely unaware of exculpatory evidence on police body-worn camera footage which later surfaced. This motion comes after Legal Aid discovered [additional footage](#) of what appears to be marijuana on the floor of a police cruiser that New York City Police Department (NYPD) officers used in their planting scheme.

Earlier this year, *The Intercept* [reported](#) on a routine traffic stop involving Mr. Serrano from March 2018 during which New York City Police Department (NYPD) officers Kyle Erickson and Elmer Pastran appeared to have planted 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 clearly require the immediate disclosure of police body-worn camera footage, Mr. Serrano and his attorneys were completely unaware that evidence of the police misconduct existed. Without access to this critical information, and because monetary bail was set, Mr. Serrano was compelled to plead guilty to resisting arrest to avoid pretrial detention at Rikers Island.

“What is clear from this additional footage is that Mr. Serrano never committed any crime and that this conviction should be vacated at once,” said **Christopher Pisciotta, Attorney-In-Charge of the Staten Island Criminal Defense Practice at The Legal Aid Society**. “What is also clear is that officers like Erickson and Pastran, who commit acts of misconduct that betray public trust, must be removed from the NYPD immediately. Lastly, reducing the NYPD's budget by at least \$1 billion will facilitate a thoughtful redeployment of resources, to help the community by providing needed resources to support people rather than fund illegal police encounters like the one that occurred here, involving officers whose tactics violate constitutional rights and trust of New Yorkers.”

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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>