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

***Legal Aid: Arrest Involving Daniel Presti, Mac's Pub Owner,
Illuminates Staten Island's Two-Tier "Justice" System***

***Defenders Condemn SI DA McMahon, Richmond County
Court for Preferential Treatment of White New Yorkers over
Legal Aid Clients, the Overwhelming Majority From
Communities of Color***

(New York, NY) - The Legal Aid Society condemned Staten Island District Attorney Michael McMahon and Richmond County Court for [perpetuating the borough's unequal justice system](#) following the arrest and arraignment of Daniel Presti, the owner of Mac's Pub who stands accused of openly defying COVID-19 restrictions, operating his establishment illegally, and recently [slammed his car into a New York City sheriff](#) causing serious injuries while trying to evade arrest. For this, Presti was [charged with second degree assault](#), a felony offense and bail eligible, but was released on his own recognizance back to his family and community. Legal Aid is not calling on Mr. Presti to be jailed but points to this case as another example of a disparate legal system that benefits white New Yorkers with means over Black and brown New Yorkers. Legal Aid clients who face similar or even lesser charges are almost guaranteed to face

extortionate bail and pretrial incarceration at Rikers Island or another City jail, especially when a member of law enforcement alleges bodily harm:

"The arraignment of Mac's Pub bar owner, Daniel Presti, this weekend sheds light on what we've known to be true about how 'justice' is dispensed on Staten Island – that it is not equal. Race, privilege, and economic status are not listed as factors to be considered by a district attorney or a judge; yet, they are at the central factors that determine whether a person has bail set or not in Richmond County," said **Maquita Moody, Supervising Attorney with the Staten Island Trial Office at The Legal Aid Society.**

"While Mr. Presti, a white man who stands accused of assaulting a police officer with his motor vehicle, is at home with his family, able to continue operating his business and has unfettered access to his defense lawyers, thousands of equally presumed innocent Staten Islanders are sent to Rikers per year on far less serious charges. Those less fortunate than Mr. Presti are the overwhelmingly Black and brown clients of Legal Aid Society. Judge Garnett's decision to release Mr. Presti and DA McMahon's consent to release should be lauded but at the same time deserves scrutiny for unequal application of those principles in similar bail decisions involving Black and brown people. Additionally, DA McMahon's consent to release Mr. Presti deserves special scrutiny given his contempt of the reforms which sought to expand the pretrial liberty that Mr. Presti now enjoys. As a public official and a neutral arbiter of 'justice' the Staten Island community deserves to know why their DA and judges are not providing equal justice under the law," said **Marie Ndiaye, Supervising Attorney of the Decarceration Project at The Legal Aid Society.**

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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. www.legalaidnyc.org