

# THE LEGAL AID SOCIETY

Justice in Every Borough.

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

## ***Legal Aid Secures Vacatur for Client Targeted by NYPD Marijuana Planting Scheme During Routine Traffic Stop***

### ***Jason Serrano, Unaware of Exculpatory Footage, Forced to Plead Guilty To Avoid Pretrial Incarceration at Rikers Island***

### ***Case Involved Same Officers Accused of Planting Marijuana on Another LAS Client***

(NEW YORK, NY) - The Legal Aid Society celebrated a [ruling](#) by New York City Criminal Court Judge Tamiko Amaker [vacating](#) the conviction of Jason Serrano, a Legal Aid client who was the target of a New York City Police Department (NYPD) marijuana planting scheme during a routine traffic stop in March, 2018.

The NYPD officers involved - Kyle Erickson and Elmer Pastran - were accused of similarly unlawful tactics in a *New York Times* [exposé](#). The charges brought in that case against another Legal Aid client – Lasou Kuyateh – were ultimately dismissed.

The Legal Aid Society represented Mr. Serrano in the criminal case arising from the stop, 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 and other low-level charges to avoid pretrial detention at Rikers Island.

Judge Amakar found that “the body-worn camera footage, taken with the officers’ disciplinary files, demonstrate that the defendant may have been searched and seized in violation of his constitutional rights. Accordingly, the defendant’s motion to vacate his conviction pursuant to CPL 440.10 (1)(h) is granted.”

Now that his conviction has been vacated, Legal Aid will continue representing Mr. Serrano on this matter.

Full BWC video of marijuana planting scheme: <https://www.youtube.com/watch?v=cHf2-e6PurA>

Additional footage of officers planting marijuana: [https://www.youtube.com/watch?v=fs\\_jDqVmNSU](https://www.youtube.com/watch?v=fs_jDqVmNSU)

“This case spotlights so many of the fundamental issues confronting our clients in the criminal legal system including the unfairness of cash bail, the importance of open file discovery, and the need for complete access to police disciplinary records,” said **Marion Elizabeth Campbell, Staff Attorney with the Staten Island Trial Office at The Legal Aid Society**. “Given the overwhelming evidence supporting Mr. Serrano’s innocence, we again call on the Staten Island District Attorney’s Office to dismiss this case in the interest of justice. However, if the prosecution insists on going forward, we are fully ready to make the case for our client in court.”

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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 145 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](http://www.legalaidnyc.org)*