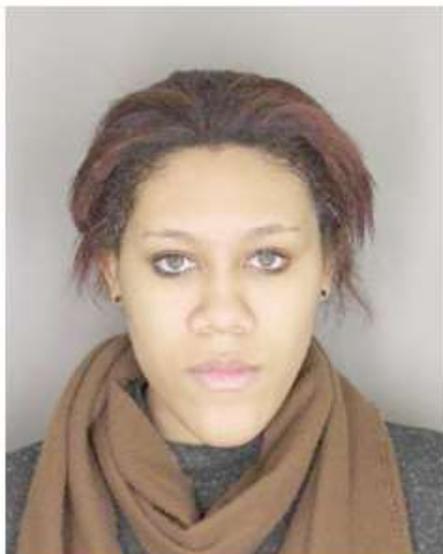




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Sentences Handed Down for False Reporting in Bus Case



ARIEL AGUDIO



ASHA BURWELL

ALBANY, NY – District Attorney P. David Soares announced today that ARIEL AGUDIO, 21, of Huntington, NY, and ASHA BURWELL, 21, of Huntington Station, NY, were each sentenced to a (3) year term of Probation, in addition to the mandated completion of (200) community service hours, before the Honorable Roger D. McDonough in Albany County Court this morning.

On April 26, 2017, AGUDIO and BURWELL were found guilty after a jury trial of (2) Counts of Falsely Reporting an Incident in the Third Degree, both Class A Misdemeanors.

After hearing evidence over a six day trial, the jury found that during the early morning hours of January 30, 2016, while on the UAlbany campus in the City of Albany, AGUDIO and BURWELL did knowingly report false information through an emergency 911 call, stating they were “jumped” on a bus by a group of males, that it was a racial crime, and that they were struck by boys and called the “N-word.”

In addition, the jury found that AGUDIO and BURWELL knowingly circulated through social media, as well as through an appearance at an event at the UAlbany Campus held on February 1, 2016, an allegation that a crime took place aboard a CDTA bus wherein they were the victims of a racially-motivated assault. This false report did result in substantial public alarm and inconvenience to the community.

A third participant previously pleaded guilty on June 21, 2016 to (1) Count of Disorderly Conduct, a Violation, for her role in the incident. An apology was given and the participant was sentenced to a conditional discharge after the completion of 100 hours of community service.

“We are here today because from the first day of the incident right up until their choices this morning, these two young women have failed to take responsibility for their actions. There were multiple attempts to resolve this matter that would have resulted in no criminal record for these individuals, but as is the absolute right of every defendant, the decision to have a case proceed to trial and reject a plea bargain is a choice made by the defendant. Our position has always been made clear: falsely reported incidents create immeasurable harm, not the least of which is the doubt, cynicism, and suspicion a person with a legitimate claim will likely receive in the future,” commented DA David Soares.

“It also means expending precious law enforcement resources investigating falsehoods instead of helping real victims. From the beginning, the Office of the Albany County District Attorney has insisted that any restorative justice resolution must begin with an apology for the harm caused by these young ladies. Only one chose to apologize for falsely representing the incidents and accepted responsibility. Even today that opportunity was provided to the remaining defendants, who stand convicted of charges of falsely reporting an incident. We hope that this period of supervision will be a time of reflection and provide the opportunity for these young women to accept responsibility for their actions.”

Chief Assistant District Attorney David Rossi and Assistant District Attorney Davia Newell handled the prosecution of this case.

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