New York's 'bail reform' is going to lead to people being hurt and killed. It's already happening.
NEW YORK– For many, January 1 represents a new beginning. “New year, new me!” New years resolutions. All that jazz.

For criminals in New York, January 1 has represented freedom.

New bail reform laws officially kicked in on Wednesday in New York, though judges and prosecutors have been slowly starting to acknowledge them since they passed the vote in April. As a reminder, the legislation was embedded in a budget bill, with little information given about the fine print.

This means there was no room for debate, adjustments, comments, criticism.

Democrats believe that with criminals being allowed their freedom once apprehended while they await their court
dates (if they show up), this is a way of achieving economic equality.

Sure, now the poor and the wealthy are both equally free to give justice the middle finger and decide against showing up for court. Or to commit a few more crimes before they’re apprehended again, and then let free again.

This new legislation doesn’t allow judges to have any discretion in determining whether a person is a flight risk, nor whether they pose a threat to public safety or will commit more crimes.

Aside from that, a big concern for law enforcement and prosecutors is those released intimidating or quieting witnesses so they don’t testify against them.

New York City Police Commissioner, Dermot Shea, said in an interview:

“When you have individuals that are standing before a judge and immediately being released, and essentially everyone in the room knows that this person is a danger to the community, I think we need to look at the system and make sure that judges
can make common-sense decisions.”

Critics of cash bail have always said that the system “criminalizes poverty.”

No, it criminalizes committing crimes.

The American criminal justice system is based on law and order. If you don’t follow that law or if you cause disorder, you get punished. Period. Prison, fines, community service. It’s all part of “doing the time for doing the crime.”

In 2010, a teenager from The Bronx in New York, Kalief Browder, was arrested for second degree robbery. His family borrowed money from neighbors to pay for the $3,000 bail (which was actually $210–$450 with a bail bondsman) to get him out. However, his bail was denied due to his probationary status from a previous case.

Browder had been placed on probation after he stole a bakery truck and crashed it into a parked car. Because of his age at the time, his probation was the only punishment received until the 2010 robbery.

The victim of the robbery was a Mexican immigrant who left the country. Because
of this, the case against Browder was dropped in 2013.

Browder remained at the Robert N. Davoren Center on Rikers Island from 2010 to 2013 while he awaited trial. Of his time served, about 400 days were in solitary confinement, where he was placed after getting in fights.

Browder was assaulted by inmates and by corrections staff. He attempted suicide several times during his imprisonment.

Rightly so, Mayor Bill de Blasio set out to improve the speed of the city’s courts, so that people didn’t sit in jail for years awaiting trial.

De Blasio’s plan, named “Justice Reboot,” was intended to “find ways to improve the quality of justice in New York City and cut down on unnecessary incarceration,” the mayor said.

“This reform package showcases a commitment from the City, the courts, district attorneys, public defenders, and law enforcement to root out unnecessary case delay.”
This plan, combined with his 14-point plan for reforms on Riker Island, was reasonable.

Then, in 2015, Browder committed suicide. And social justice warriors’ heads rolled.

This is what has fueled these extreme bail reform laws. This is the over-compensating that has been allowed to threaten the law and order our cities need in order to survive.

**But the media won’t tell you that.**

If you open up one liberal news article without researching further, you’ll see their claims: A 16-year-old Browder stole a backpack.

His family couldn’t afford the $3,000 bail, so the child just rotted in the jail, never seeing a court room, for 3 years (2 of which was in solitary confinement, just because the jailers felt like putting him there). His depression over his treatment in the jail lead to him committing suicide.

This is irresponsible, both the journalism there and the reform legislation.

Please don’t misunderstand me: There absolutely should be reforms in our court
system. While his crimes amounted to more than “stealing a backpack,” this is still America: a person is innocent until proven guilty. In no world is it ok that this young person spent 3 years in jail without a fair trial, probation violation or not.

However, this doesn’t lead to all criminals or potential criminals receiving a “get out of jail free card.”

Well, actually, it apparently does. But it shouldn’t.

A democratic Senator, Andrea Stewart-Cousins, said:

“I know change is scary, change is hard. But, again, we are talking about justice.”

Are we? What about justice for innocent victims of crimes? Or justice for the communities where criminals soil their streets?

Included in the list of crimes that no longer require bail are drug charges.

“Someone who deals in drugs is not someone who, once arrested, will just
decide to give it up and find legal employment. They will continue to sell drugs,” said Chautauqua County DA Patrick Swanson.

Much like domestic violence abusers (also on the no-bail-required list) won’t just decide they should stop beating their loved ones.

And how thieves won’t decide to stop breaking into houses or stealing cars.

Republicans who will be facing elections next year, like Senator John Flanagan, criticize the new bail reforms and are campaigning to fix the legislation.

“This is not what justice looks like,” the senator said.

No, Mr. Senator. No, it’s not.

New York’s bail reform law has already caused immense grief and pain for the families of victims.

The most recent case where the reform curbed justice involved the death of a mother of three who was struck by a vehicle on Christmas Eve by a suspect
who then fled the scene. When the alleged killer of the woman was arrested, he was back in the streets in less than 24 hours without having to post any kind of bail.

In Long Island, New York, Jorge Flores-Villalba, a 27-year-old illegal alien, was arrested after he reportedly confessed that he had hit and killed a mother of three on Christmas Eve.

The woman, Marie “Rosie” Osai, was a legal immigrant from Haiti. Flores-Villalba allegedly told law enforcement officials:

“I was driving and I did strike a person. I didn’t call the police. I was afraid because I don’t have a license.”

The only thing more criminal than the alleged acts of Flores-Villalba are the horrendous bail reform laws that the state has put into place, letting accused criminals walk free hours after their arrests.

Flores-Villalba was arraigned shortly after being charged with felony fleeing the scene of a deadly accident and then
was released on Christmas day on his own recognizance, less than 24 hours after Osai was allegedly struck and killed by his vehicle.

Irene Secone, a friend of the now deceased woman stated:

“We’re all here devastated. Her family is devastated, and this man on Christmas Day goes home and spends it with his family.”

Jim Monaghan, the Stony Point Supervisor, knows exactly who’s at fault with regard to the suspect being freed almost immediately after being processed. Monaghan pointed the finger directly at lawmakers in Albany:

“Logistically, it made sense to release the defendant at this time based on the new laws that go into effect Jan. 1.”

To which he had a point, these new laws that attribute more amenities to those accused of crimes would have seen the accused back on the street by next week. Monaghan also mentioned:
“Everybody I’ve spoken to, once they’re aware what took place with this bail, they’re outraged.”

These recent reforms to bail have been pushed by Albany Democrats, which eliminates bail for all misdemeanors and most non-violent felonies. Well, that is if you consider a crime where someone dies as a result as “non-violent”.

If you thought that’s where this egregious reform would end, you’d be wrong. As we reported Friday, as part of the coming New York bail reform, criminals will now be allowed to inspect their own crime scenes.

Let’s say a suspect commits a residential burglary. Well it only makes sense that he should get to return to the home where he committed the crime and inspect the homeowner’s property as part of their defense, right?

Lt. Steven Stockdale of the Warren County Sheriff’s Office said police will have a difficult time explaining to victims why they’ll be allowing an offending burglar back into the victim’s home.
“It really boggles the mind that this is a reality for us now. Talk about re-victimization,” he said.

The purpose of allowing them back into the home, or wherever the crime scene may be?

“So that the defendant and his representatives can return to it, take photographs, take measurements, and stuff along those lines,” Stockdale said.

Additionally, if the victim is a homeowner and doesn’t comply with the defendant’s new right to revisit their burglarized home, they could be arrested.

If that wasn’t bad enough, suspects will also be almost immediately provided a full list of named witnesses set to testify against them in court.

No longer can witnesses be assured of their protected identity without
explicitly requesting a protective order from a judge, as the list must be handed over within 15 days of the arraignment hearing.

No doubt that will assure witnesses promptly come forward to assist police in their investigations.

Manhattan District Attorney Cy Vance said this “is a seismic change that undoubtedly will dissuade witnesses who live in all neighborhoods from reporting crime.”

Other changes packed in with these “bail reforms” are the fact that “non-violent” criminals don’t have to sit in jail waiting for their trial dates. Nor do they have to post bail. They will be released at the scene of the crime and told to come back for their court date.

Included in the list of “non-violent” crimes are:

Second-degree manslaughter;

Aggravated vehicular assault;

Third-degree assault;

Promoting an obscene sexual performance by a child;
Possessing an obscene sexual performance by a child;

Promoting a sexual performance by a child;

Failure to register as a sex offender;

Making terroristic threats;

Criminally negligent homicide; and

Aggravated vehicular homicide.

New York Governor, Andrew Cuomo, is receiving many thanks for passing this legislation. Of course, those sentiments are coming from criminals.

Jose Jorge, 47-years-old, is a drug dealer facing 96 years in prison and reportedly laughed regarding a man who died after using drugs Jorge’s crew sold him. The drug was reportedly a mix of fentanyl, heroin, and alparazolam. Jorge was being held without bail, but after court last month, he was released without paying any bail at all.

As he walked out of the court room, Jorge yelled, in Spanish, “Cuomo for President!” His attorney told him to be quiet, but Jorge couldn’t contain his praises for Cuomo and his criminal-freeing legislation.
“It’s in my heart, man. It’s in my heart, bro,” he proclaimed to news cameras.

Several of the co-defendants in Jorge’s case were released on the same day.

Although the new bail reform laws don’t take effect until January 2020, Justice Abraham Clott said that if he waited until then, “mayhem would ensue” if he didn’t start the releases now. The judge said:

“Total system chaos would result to delay changing bail conditions when cases are being adjourned past the effective date of the law.”

Justice Clott also said:

“The legislature has determined that incarceration is not appropriate for a narcotics defendant facing a lifetime in prison.”
Also in New York, Skylar Crouse, 30 years old, killed a 38-year-old man by striking him with his vehicle while he lead police on a chase.

He is currently in jail, but will be released on January 1 thanks to Cuomo’s bail reform. If the incident had occurred after that date, he never would have seen a jail cell.

In a statement, Cuomo remarked that he doesn’t believe that “a person’s freedom while awaiting trial should depend on how much money is in their bank account.”

Fulton County Sheriff Richard Giardino, who was previously a judge for 18 years, said:

“You’re going to see a large spike in people not going to court in the first six to nine months of this, then you’re going to see our officers spending numerous hours, numerous days tracking people who have been bench warranted.”

So, America, sit back, relax, and grab the popcorn as we watch all hell break loose.
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in New York. And while you’re at it, say a prayer for NY law enforcement and the innocent, law-abiding citizens of the state.

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In the meantime, police officers across the country continue to be the target of attacks by criminals.

Last week, a man from Bergen, NY ended an 11-hour rampage where he stole a car and robbed two gas stations, by assaulting two officers and dousing them with gasoline.

Last Sunday at around 6:45 p.m., Elon Seeger, 31, was involved in a domestic incident in Bergen. Genesee County Sheriff’s Deputies responded to the call. When they arrived at the scene, Seeger stole a vehicle belonging to a family member and drove it at two of the deputies.

Shortly afterward Just after 7:01 p.m., a robbery was reported at a Kwik Fill gas station in the town of Chili. Monroe County deputies responded to the call and based on the description of the perpetrator it was determined that Seeger was the suspect in that incident as well.
Several hours later at around 11:30 p.m., the stolen vehicle, occupied by a man matching Seeger’s description was seen in the town of Scottsville, however it fled before deputies could make contact with the driver.

The next morning at 5:10 a.m., another robbery was reported at a Speedway convenience store in Chili. Once again, the suspect was identified as Seeger. The suspect vehicle was found about 10 minutes later by officers of the Gates Police Department in a parking lot.

Two police officers approached Seeger, when he suddenly assaulted them and poured gasoline on them. Police body-cam footage obtained by WHEC shows the moment when Seeger doused the officers with gasoline.

According to police, a violent struggle ensued, however Seeger was subsequently arrested, and charged by Gates police with second-degree assault, fourth-degree criminal possession of stolen property, and resisting arrest. One of the arresting officers reported a laceration and bruising on his forehead.

Seeger also faces charges in Genesee County, including attempted assault on a law enforcement officer, fourth-degree
grand larceny, second-degree reckless endangerment, unlawful fleeing a police officer, obstructing governmental administration, and unauthorized use of a motor vehicle.

Unbelievably, Seeger was committed to Monroe County Jail and was scheduled to appear this past Friday for a preliminary hearing.

As LET has reported several times, New York is schedule to implement new criminal justice and bail reforms on Jan 1. Under those guidelines, many of the charges that Seeger was charged with will be ineligible for cash bail OR jail time.

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Seeger is not a stranger to run-ins with law enforcement. He served two years at Franklin Correctional Facility after he was convicted in 2015 for second-degree criminal mischief in Monroe County.

Meanwhile, a Medina, NY man who was involved in a domestic violence incident in November was placed in jail after twice escaping police custody, according to Medina village police.

Police were called to a home after neighbors reported a man chasing a woman down the street and yelling at her. Upon arrival, officers found Joseph J. Motzer, 26, had violated a court protective order that resulted from incidents earlier in the year.

Chief Chad Kenward of the MVPD said that the woman in this case declined to press charges, however police had probable cause to charge him with contempt of court for violating the protective order.

Motzer was placed under arrest and secured in a police cruiser, however he was able to pull away from an officer and ran. He was immediately apprehended. Once at police headquarters, he was placed in a holding cell, however, was able to slip out of cuffs and run from the
holding cell. He was once again immediately apprehended. You’ve got to give the guy an “A” for trying.

Motzer was charged with felony criminal contempt of court, two counts of felony second-degree escape, and misdemeanor counts of menacing, resisting arrest, and disorderly conduct. He was arraigned and held in Orleans County Jail with a $5,000 bond. In two weeks, he likely would have been released under new bail reform laws in New York, courtesy of liberal loon Andrew Cuomo and the New York state legislature.

Motzer has a long history of violence, and this was his fourth domestic violence arrest this year. It makes one wonder what a criminal must do in New York to actually stay in jail.

In March, he was charged with third-degree assault, unlawful imprisonment, stalking, menacing and endangering the welfare of a child. Hopefully Motzer does not actually have to kill somebody before justice officials in New York put him in jail.

In September, he was charged with endangering, and in October with assault, trespassing and menacing.
Despite more than two dozen arrests in the last eight years, Motzer has never served a state prison term, only local jail terms. Most of the arrests are for domestic violence incidents.

Finally, in the “they don’t call them criminals because they’re smart” department, we present Andrew N. Kubicki, 32.

On Dec 9, Kubicki went to the Wyoming, NY County Jail to bond out his girlfriend, Shere A Sanders, who was being held on a theft of services rap, along with several charges related to drugs found in her apartment, as well as charges of resisting arrest and second-degree obstructing governmental administration.

Unknown to Kubicki, a warrant was also issued for him for criminal possession of drug paraphernalia and two counts of seventh-degree criminal possession of a controlled substance.

When Kubicki showed up at the jail to bond out his girlfriend, Sanders, deputies discovered the warrant that had been issued in the township of Arcade. Oh, and he also had driven to the jail with six suspensions on his driver’s license.
Kubicki was placed under arrest in the jail lobby and was additionally charged with second-degree aggravated unlicensed operation. He is scheduled to appear in court at a later date.

He was released to the Arcade PD, after which he was later turned over to Lackawanna police, who held yet another warrant for him. Sometimes it does not pay to be a nice guy to your girlfriend.

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Leah Anaya is a medically
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