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Incident # 02770-16

Albany, NY – February 25, 2016

The University Police Department (UPD) will be arresting three persons in connection with a reported assault that took place on a CDTA bus on the University at Albany campus just after 1 a.m. on Saturday, Jan. 30.

Specifically, the defendants will face the following charges:

- Ariel Agudio, 20, of Huntington, NY:
 - Assault in the third degree
 - Falsely reporting an incident in the third degree
 - Attempted assault in the third degree
 - Attempted criminal mischief in the fourth degree
- Alexis Briggs, 20, of Elmira Heights, NY:
 - Assault in the third degree
- Asha Burwell, 20, of Huntington Station, NY:
 - Assault in the third degree
 - Falsely reporting an incident in the third degree

Each defendant will receive an appearance ticket that directs them to appear for arraignment at Albany City Police Court at 8:30 a.m. on Monday, Feb.29.

The assault charges are based on evidence which shows that the three defendants physically assaulted another passenger on the bus, a 19-year-old woman from Congers, NY.

The false reporting charge stems from evidence which shows that the initial complaints Ms. Burwell and Ms. Agudio made, alleging that they were victimized, were false. The defendants made these allegations during 911 calls from their cell phones early on the morning of Jan. 30.

The charges are supported by evidence gathered during a three-week investigation that included interviewing 35 passengers on the bus, reviewing videotape from 12 security camera videos on the bus, reviewing four videos taken by passengers on their mobile phones, reviewing videotape

from the university's surveillance system, examining UAlbany building access records, and reviewing audio recordings.

The video and audio evidence and the statement of every witness demonstrate that no male struck the three women. The evidence indicates they were actually the aggressors in the physical altercation, and that they continued to assault the victim despite the efforts of several passengers to stop them.

Investigators also found no evidence to support the initial allegations that these three women were targeted in any manner due to their race, and no evidence that racial slurs were directed toward them. All of the audio recordings examined by police were enhanced by the New York State Police crime lab to assist in hearing what was said on the bus.

"We took this incident very seriously and did a thorough and careful investigation," said UPD Chief J. Frank Wiley. "The evidence shows that, contrary to how the defendants originally portrayed things, these three individuals were not the victims of a crime. Rather, we allege that they are the perpetrators."

"I especially want to point out that what happened on the bus was not a 'hate crime.' We spent a great deal of time carefully reviewing the audio recordings to determine whether any racial slurs were used. The only person we heard uttering racial epithets was one of the defendants. And it is important to note that no witness reported hearing any racial slurs directed at the defendants. And those witnesses were people from a variety of racial and ethnic backgrounds."

Wiley thanked the New York State Police Forensic Investigation Unit, the Albany Police Department's Detective Office, the CDTA, and the Office of the Albany County District Attorney for their assistance with this investigation.

"Given the attention that this case has received, it was very important to do a thorough job. More than 300 investigative hours were spent, and I am very grateful for the good work of the investigation team and for the assistance we received from our partners in law enforcement.

"I also want to thank the many witnesses who stepped forward to assist us, and I appreciate the patience of the community as we took the time to do this right," Wiley said. "I also would like to remind everybody that there is a presumption of innocence in the criminal justice system."

Anybody who is seeking access to the videotapes and other evidence should direct their requests to the Albany City Police Court.

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