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TRIAL

Was racial slang a spark?

UAlbany investigator testifies about words heard in fight on bus

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Albany

Were all racial components of the now-infamous fight that broke out in a packed CDTA bus investigated by law enforcement?

And were witnesses in a situ-

ation where they could hear or fully understand the context of the allegedly racially charged fight?

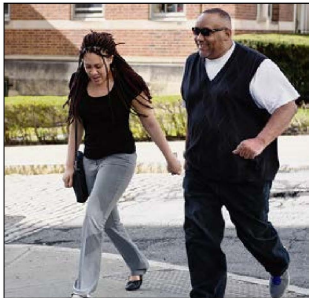
University at Albany police investigator Benjamin Nagy testified on Thursday that while he had asked witnesses whether the N-word had been used during the fight that happened over a year ago, he didn't ask about another racially charged statement — "ratchet bitches."

"The N-word was the allega-

tion that was made that we were looking into," Nagy said, adding that it wasn't the "only part of this case."

When defense attorneys for Ariel Agudio and Asha Burwell asked Nagy whether the term "ratchet" had any impact on his investigation after learning the connotations of it, he said it was "taken into consideration," but later admitted he didn't ask other witnesses whether they'd

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Ariel Agudio, left, is accused along with her friend Asha Burwell of fabricating a racially charged attack on a CDTA bus last year. Defense attorneys on Thursday asked witnesses about what they heard on the bus.

heard it used.

The term “ratchet” is often interchangeable with “ghetto” and often applied to people of color, Burwell and her attorney have said.

“Wasn’t it your job as lead investigator to investigate or track down any component of this?” Burwell’s attorney Frederick Brewington questioned.

“I don’t know if it was my job,” Nagy responded. “My job was to find the truth of what happened.”

The testimony came in the fourth day of a trial in which the Albany County district attorney’s office is seeking to prove that Burwell, 21, and her friends lied about being the victims of a hate crime when they themselves were the aggressors in a brawl on a CDTA bus.

Police interview videos have showed Burwell describing a number of things said that night that suggested the attack was racially motivated, from being called a “ratchet bitch” to the N-word.

Agudio and Burwell are being tried on charges of assault, attempted assault and falsely reporting an incident. A third woman who was with them on the bus, Alexis Briggs, 21, pleaded guilty to disorderly con-



Ariel Agudio, center, is seen in frame grab from video taken Jan. 30, 2016 during a fight involving University at Albany students on a CDTA bus.

duct last year.

While UAlbany police Detective Paul Burlingame, who oversaw the investigation, confirmed he didn’t instruct investigators to see if the term “ratchet” came up in witnesses’ testimonies, he also agreed that the audio from the CDTA bus is mostly indecipherable and the cameras didn’t record the whole scene.

Students who were on the bus that night also took the stand, sharing the bits and pieces they remembered, but admitting that they didn’t know what started the fight and that the commotion made it difficult to hear what was said.

“I wouldn’t say I couldn’t (hear), just none of it stuck out to me as to why I should” remember them, 21-year-old Abdul Kuyateh said.

“Do you think the N-word would have to stuck out to you?” Chief Assistant District Attorney David Rossi asked.

“Absolutely,” Kuyateh, who is black, said.

As for the word “ratchet,” neither Kuyateh nor 19-year-old Benta Nkrona, who also is black, testified that it had a racial meaning for them.

Nkrona was sitting behind Agudio and Burwell and recalled the only time she heard race brought into the conversation was

when one of the black women said “stupid white bitches.”

She added she had tried to stop Agudio from fighting the “drunk girl” who had told the black women to “get a job.”

“We told her it was just a random insult from a drunk person,” Nkrona said, later saying she didn’t recall all of what may have been said. “When people are arguing there are a lot of things going back and forth.”

The trial will continue at 9 a.m. Friday with further witness testimony.

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