

# Bus defendants sticking to story

*Women say hostile atmosphere led to a fight*

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*Albany*

Ariel Agudio and Asha Burwell suspected, before the fight even began, that whatever was happening on the bus that night was colored by prejudice.

“The climate on the bus was racial ... from the get-go,” Agudio testified Monday in Albany County Court.

By the time Agudio and Burwell

took the stand on the sixth day of the trial, the jury was well aware that there had been a drunken rendition of “99 Bottles” — and an offer of a sandwich to “stop singing” or “shut the (expletive) up,” depending on who was testifying.

Because of the way Agudio was seated — to the side of the bus rather than to the front — she had an insider’s view into what happened next, she testified. That’s when she saw Mary Glisson, a white woman who had been drunkenly serenading the bus, allegedly mutter “ratchet b——s” under her breath in refer-

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Skip Dickstein / Times Union

Ariel Agudio arrives for the continuation of the CDTA bus court case at the Albany County Judicial Center on Monday.



Skip Dickstein / Times Union

Asha Burwell arrives for the continuation of the CDTA bus court case at the Albany County Judicial Center on Monday in Albany.

## TRIAL

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ence to Agudio, Burwell and Alexis Briggs, who are all black.

“Every time I’ve heard ‘ratchet’ it pretty much meant ‘ghetto,’ in my opinion,” Agudio said.

“I felt like if we were white she would have said something completely different if she was angry at us,” she added. “So to me, it was as if she were saying that, you know, because we were black.”

Agudio and Burwell, both 21 and from Long Island, were called to the stand Monday to testify as the Albany County district attorney’s office seeks to prove they lied last year when they reported they had been the victims of a racially motivated hate crime on a CDTA bus full of drunk college students.

On the stand, the women stuck by their original story, which is that in the early morning hours of Jan. 30, 2016, they were jumped by a group of white students who were hurling racial slurs. Before this happened, they say, they had attempted to ask students why no one yelled at the singing white girl to be quiet, but everyone yelled at Agudio to “shut up” when she dared confront someone who called her “ratchet.”

Assistant District Attorney David Rossi grilled the women, who are seen on CDTA surveillance footage striking passengers, over their role in the fight and why it was that the students he brought in to testify only heard Agudio making threats to assault the other passengers.

“Isn’t it true that looking back now, you understand that when you told the world that you were jumped by a bunch of men on a bus that that was not true?” he asked Burwell.

Both Agudio and Burwell said that both men and women assaulted them that night. They conceded that Agudio had walked back to confront Glisson about the “ratchet” comment, but that she eventually sat back down in her seat after being yelled at by other passengers to “shut up and sit down.”

Neither could remember who threw the first punch, but Agudio testified that four other women were primarily involved in “throwing punches” and pulling hair, including Glisson. Eventually, as people noticed a fight underway, more passengers

crowded in the back of the bus and became involved, they said.

Agudio’s hair extensions were ripped out in the process, leaving her with bald patches afterward. A man could be seen on CDTA footage helping her to pick them up before getting off the bus. Burwell choked up on the stand when she recalled her friend’s hair getting yanked out.

“When they realized that her hair could come out, everyone participated in it,” she said of Agudio. “It was comical. It was like a game to try to rip out every single piece of her hair.”

Rossi, during cross-examination, disputed the women’s accounts, at times indicating the video clearly showed Agudio climbing over a seat and punching people while men attempted to separate the groups of women.

“When you spoke with police did you think it was important to tell the truth?” he asked Burwell.

“Yes I did,” she said.

“Did you remember that Ariel had just told you that she had three b——s down?” he asked, referring to a 911 recording of the defendants’ calls for help that night.

“I did not hear her say that,” Burwell said.

“Did you remember that Ariel had just told you that she beat up a boy?” he asked, again referring to the recording.

“I did not hear her say that either,” she said.

After six days and several dozen witnesses, both sides rested their cases Monday. Closing statements will be delivered Tuesday and then the jury of 12 will be instructed to reach a unanimous verdict.