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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: CRIMINAL PART GP10

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THE PEOPLE OF THE STATE OF NEW YORK

- against -

DEXTER TAYLOR,

Defendant.

:
:
:
:
: DOCKET
: NUMBER:
: 71520-22
:
: SENTENCING
:

-----X

Supreme Court
320 Jay Street
Brooklyn, New York 11201
May 13, 2024

B E F O R E :

HONORABLE ABENA DARKEH,
Justice of the Supreme Court

A P P E A R A N C E S :

ERIC GONZALEZ, ESQ.
District Attorney, Kings County
350 Jay Street
Brooklyn, New York 11201
BY: OMAR HARDING, ESQ.
JONATHAN VISOTZKY, ESQ.
Assistant District Attorney

VARGHESE & ASSOCIATES, PC
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2 WALL STREET
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ELIJAH SMITH, Paralegal

FAYE PHILLIPS-MCLEAN
SENIOR COURT REPORTER

1 THE CLERK: This is case number 1 on the GP10
2 calendar Dexter Taylor, Indictment No. 71520-22. Defendant
3 is produced before the Court.

4 Appearances, please.

5 MR. HARDING: Omar Harding on behalf of the Office
6 of the District Attorney. Good morning, Judge. Good
7 morning, everyone.

8 MR. VISOTZKY: Jonathan Visotzky for the People,
9 V-i-s-o-t-z-k-y. Good morning, Your Honor. Good morning,
10 everyone.

11 MR. VARGHESE: Varghese & Associates by
12 Vinoo Varghese counsel for Mr. Taylor and at counsel's table
13 with me is my paralegal, Elijah Smith; common spelling.

14 THE COURT: Good morning, everyone. I'll ask the
15 lawyers to take a seat, as well as the defendant.
16 Consistent with the rules, there is to be no recording by
17 electronic device by anyone in this courtroom.

18 This matter is on today for sentencing. People, do
19 you wish to be heard?

20 MR. HARDING: Your Honor, the People will
21 respectfully, rely upon the sentencing memo that we sent to
22 the Court and defense counsel on Friday.

23 THE COURT: Counsel, you're acknowledging receipt
24 of the People's memo?

25 MR. VARGHESE: I am, Your Honor.

1 THE COURT: Okay. Mr. Varghese, is there anything
2 you would like to say?

3 MR. VARGHESE: Yes, Your Honor. I -- also, my
4 client would also like to make a statement after I am done.

5 THE COURT: Absolutely.

6 MR. VARGHESE: Thank you. So Your Honor, you have
7 received our sentencing memorandum. I'm sure you've read it
8 and the 24 letters that were -- that we received. They were
9 still coming in on Friday, so I think we may even have more
10 but obviously, we had to get you the memo before -- at least
11 one business day, you know, before we were here.

12 What I want to emphasize before you pronounce
13 sentence and I understand the Government has asked for 10
14 years. The point of this from our prospective is that you
15 have to look at Mr. Taylor as someone who -- and look at him
16 compared to others and what you have is an extraordinary and
17 unique individual. I don't think you have anyone here in
18 this courthouse -- and I used to prosecute cases in this
19 courthouse or 360 Adams when it was over there, you know,
20 with your court attorney, Mr. Hambrock back from 2000, 2006
21 and I can tell you I have never prosecuted somebody like
22 Dexter Taylor, the unique individual that he is with his
23 education, his background. The support of people who are
24 here in court and I would say probably, about a dozen people
25 so far. The outpouring of support he's received from people

1 around the country who have reached out to me from even
2 around the world. One of the letters was from a person in
3 England who Mr. Taylor worked on a documentary with which he
4 narrated. He is, you know, he is a New York person. He
5 grew up in New York. He went to Stuyvesant High School,
6 graduated at 16. He has lead a law-abiding productive life.
7 Obviously, the years of '21 and '22, 2021 and 2022 are at --
8 what are at issue before the Court in terms of time period
9 of the indictment.

10 So, from the Court's prospective and obviously,
11 from a Government's prospective, those are two years of
12 unlawful activity, activity that violated the laws of New
13 York State. I am not here to speak politics, to talk about
14 the state of the law; that is not what I am here for. They
15 are what they are and the process will play itself out.
16 It'll probably, take maybe, a decade or so.

17 My hope is that the Court will look at Mr. Taylor,
18 Dexter as I know him, and look at him as an individual
19 irrespective of the political situation, the politics that
20 are behind this case and look at him. I mean, he is an
21 engineer who has had a productive and wonderful career. He
22 is a person who has given so much to New York, New York
23 State, New York City, and the County of Kings. I mean, he
24 used to tutor kids in the projects in the Gowanus Houses. I
25 mean, this is an extraordinary human being.

1 You have a letter from a Ms. Basten, B-a-s-t-e-n
2 Clarke, C-l-a-r-k-e who is a former Assistant District
3 Attorney from Virginia whose known Dexter for 40 years and
4 wrote a letter -- and I think it make, I think it is
5 important while we put this in the letter that the community
6 hears this. She wrote that while Dexter bears
7 responsibility for his violation of the letter of the law, I
8 cannot imagine a scenario in which the legislator envisioned
9 or intended a person like Dexter Taylor as a defendant. I
10 think that captures everything, obviously, not everything --
11 I am going to take that back. There is a lot more in
12 support of Dexter Taylor which is why it is our request to
13 the Court respectfully, submitted that you sentence him to
14 the minimum term of three and-a-half years to run the
15 charges -- the convictions concurrent, but I am going to go
16 back to Ms. Basten-Clarke's statement.

17 There is no doubt that, you know, gun violence is
18 an issue in New York City and when the legislator created
19 the laws about gun prohibition, Dexter Taylor was not who
20 they were thinking about. I think that's clear. The gun
21 laws are designed to protect the citizenry, but it is not to
22 protect people, the citizenry from people like Dexter
23 Taylor. Dexter Taylor was not out selling guns. He is not
24 a gang banger. He is not anything along those lines or part
25 of any sort of criminal enterprise. He is just a good solid

1 human being. He's done a lot for his own family and
2 obviously, look. I sit here -- you know, I sat here during
3 the trial. It went over five weeks. He was here dealing
4 with this case for over two years. I think probably, if you
5 include the trial, he was here probably, 40 to 50 times.
6 So, he showed respect for the process, for the courthouse,
7 for you. The point is he is here. I have written about the
8 dozens of the letters. He has the support of his ex-wife.
9 He has a 16-year-old daughter. He has aging parents who are
10 in the courtroom. We are asking that you, Judge -- because
11 you have the discretion to find the appropriate sentence and
12 as I have written, there is nothing in the New York State
13 Law about how to sentence somebody for a crime that is above
14 basically, D and E felonies.

15 On D and E felonies, you can look at the history
16 and characteristics of the defendant, but here the
17 legislator is silent to that. That being said, I think
18 Your Honor can take all of this into consideration when
19 deciding where to sentence him from between three and-a-half
20 years and above to what the maximum is of 15 years and
21 whether to include any consecutive charges. The People have
22 asked for 10 years to run concurrent. I would ask that you
23 -- I believe in this case that a three and-a-half year
24 sentence more than amply shows the seriousness of the
25 offense. It takes into account his nature, the

1 circumstances of the case. And also to extent that the
2 Court feels the need to send a message, the minimum sentence
3 sends a message. I mean, he is incarcerated. He is going
4 upstate and I think that that sends a serious message to
5 anyone else and I think when you look at this person who he
6 is and the kind of person he is jail, prison, incarceration
7 it is not where society is served best. Obviously, the law
8 requires the minimum of three and-a-half years so, I ask
9 that you give him the minimum of three and-a-half years. He
10 is the neighborhood son. He is a kid who came out of New
11 York City, has done very well for himself. He has done very
12 well for himself all throughout his life and he is here
13 before you and as his attorney, I ask that you give him the
14 minimum. I know that Mr. Taylor wishes to make a statement.

15 THE COURT: Okay. Before he makes a statement, I
16 want to confirm that both sides has received and reviewed
17 the Pre-Sentence Investigation Report?

18 MR. HARDING: Yes, Your Honor.

19 THE COURT: And I also want to give both sides an
20 opportunity to respond if you choose, to the contents of
21 that report, People?

22 MR. HARDING: Your Honor, we will rely upon the
23 report.

24 THE COURT: All right. Mr. Varghese, anything on
25 that matter you wish to address?

1 MR. VARGHESE: Judge, I didn't see anything that
2 was worth objecting. Unless, I completely missed it, but I
3 did not see a sentencing recommendation from Probation.

4 THE COURT: They did not include their sentencing
5 recommendation, but you received the entirety of the report,
6 correct?

7 MR. VARGHESE: I believe so, yes.

8 THE COURT: All right. Anything you wish to say
9 about it?

10 MR. VARGHESE: No.

11 THE COURT: All right. Mr. Taylor, do you wish to
12 make a statement?

13 THE DEFENDANT: Yes, ma'am. Thank you.

14 THE COURT: You may stand. I'll hear from you.

15 MR. VARGHESE: He has a paper. Can he be -- he has
16 a statement that he's prepared. He would like to read to
17 the Court.

18 THE COURT OFFICER: Yes, Your Honor.

19 THE COURT: Sure.

20 MR. VARGHESE: Judge, may I sit?

21 THE COURT: You may.

22 MR. VARGHESE: Thank you.

23 THE DEFENDANT: Thank you, Your Honor. I
24 appreciate it. Family, friends, and allies and
25 foundationalist and honored adversaries, today we enter the

1 next phase in the fight to protect our God-given rights from
2 a government that wishes to take them from us and grant us
3 mere privileges in return. To quote another patriot from
4 another place and time, "This is not the end. This is not
5 even the beginning of the end. This is perhaps, the end of
6 the beginning." And so as we enter this new phase, there
7 should be no question in the mind of any patriotic American
8 as to why we fight. After all, only slaves lack the right
9 to arm self defense and we are no slaves, but free citizens
10 of a great republic and we contain multitudes each of us
11 from builder, a healer, a teacher, a statesman, a soldier, a
12 judge, an attorney at law, a sergeant at arms, and an image
13 of God. So, we know why we fight.

14 The question before us is how we must fight. What
15 kind of discipline we must bring with us into battle and
16 what spirit we must show to our friends and adversaries
17 alike and by way of answering, we refer to our core
18 doctrines.

19 The foundationalist's manifesto calls us to listen
20 closely and to speak clearly. To deny the self at the same
21 time to defend the individual. To respect tradition and
22 also to cultivate the future. In short, as foundationalist,
23 we are called to embrace disciplines what seem to contradict
24 each other but nonetheless, to embrace them with all of our
25 strength. So, it is in our current fight because this

1 system as dysfunctional as it often is, as unjust as it
2 often is, it is nonetheless, our system. It is a feature
3 not a bug of our American civilization. Like any other
4 structure built from man's crooked timber, it is not
5 perfect. Judges and attorneys and trial courts and juries
6 in the light of day not are not perfect. Judges and
7 attorneys and trial courts and juries in the light of day
8 are merely what we have instead of the blood feud and the
9 vendetta and the dagger in the dead of night. Knowing this,
10 we give challenge even as we give thanks. Knowing this, we
11 prepare ourselves for battle in a spirit of profound
12 dissatisfaction and profound gratitude in equal measure.

13 That is the apparent contradiction we face as we
14 continue this struggle for the civil rights of our fellow
15 New Yorkers and our fellow Americans. On the one hand to
16 hate this system, our system enough to fight it but on the
17 other hand, to love it enough, love it enough to think it's
18 worth fighting for. Nothing else will do for us but this
19 profoundly Christian habit of defeating a contradiction by
20 fully embracing both sides of it. So, when our adversaries
21 look for us let them find -- to quote my Christian friend "A
22 bee shiniest at a wasp's hostility." Let's us show them a
23 soldier's intensity and diplomat's calm. Let our
24 adversaries find us stern in battle, patient in defeat and
25 gracious in our ultimate victory which is certain. In

1 short, when our adversaries look for us, let them find
2 reasonable men and irrational patriots.

3 When I was a boy my grandfather told me that fire
4 is a great servant, but a terrible master and so it is with
5 Government. And to the extent that our own Government
6 attempts to be our master, we must oppose it. We must fight
7 to the upmost limits of our strength, but in that fight our
8 spirit must be one of restoration, not destruction. We must
9 confront the enemy as the firefighter confronts his enemy
10 and for the same reasons that the structure itself may yet,
11 be saved.

12 God bless and keep you all and may God bless the
13 United States of America. Thank you, Your Honor.

14 THE COURT: Okay. So, I have heard from all
15 parties. Before I impose sentence, I am going to address
16 certain events that have occurred in the aftermath of this
17 trial: Following the jury's verdict, this Court has
18 received and have been made aware of a series of alarming
19 communications including e-mail, text messages, phone calls,
20 letters, and other forms of outreach. These communications
21 disparaged me personally, based on my race and my gender.
22 They include references to specific rulings and exchanges
23 that occurred during the trial. Some blatantly distort the
24 record, others misquote statements I made.

25 These communications have not been limited to me.

1 They have been sent to or have been received by court staff,
2 other members of the judiciary and Kings County District
3 Attorney, Eric Gonzalez and members of his staff. In
4 fairness to the defendant and in deference to the integrity
5 of these proceedings with the exception of a hand full that
6 made their way to me, I have chosen not to read any of these
7 communications. Finally, the Court is not aware of any
8 evidence that connects the defendant, Dexter Taylor to these
9 communications. Suffice it to say, these communications
10 constitute a sad commentary. Whatever their objective, it
11 was not achieved and so, we move now to sentencing.

12 Mr. Taylor, you can disagree with the law, but you
13 can't break it. One can hold strong views on a subject and
14 still be a law-abiding citizen. You chose to violate the
15 laws of New York State. So today's sentencing is not about
16 your views, it is about your actions.

17 You understood that to lawfully possess firearms in
18 this state you were required to apply for and be issued a
19 license. You chose not to and instead, chose to
20 manufacturer, own, and possess 13 firearms at 43 Eldert
21 Street in Brooklyn as evidenced by your pretrial statements
22 to the Court, your testimony at trial, your statement to the
23 Probation Department and what you have said here today, you
24 made that choice intentionally, consciously, and willfully
25 and the jury saw that.

1 Having presided over this trial, read the
2 submissions of the parties and heard from both sides today,
3 I hereby sentence you as follows: As to each of the C
4 violent felonies, criminal possession of a weapon in the
5 second degree, I sentence you to 10 years imprisonment to be
6 followed by a period of three years post-release
7 supervision. As to the class D violent felonies, criminal
8 possession of a weapon in the third degree of which they
9 were three counts, I sentence you to seven years
10 imprisonment to be followed by a period of three years
11 post-release supervision. As to the E violent felonies,
12 criminal possession of a firearm of which they were five
13 counts, I sentence you to one and-a-third to four years
14 imprisonment.

15 As to the administrative code violations, I
16 sentence you to one year imprisonment for each of the three
17 charges that you were found guilty of. Each of these
18 sentences are to run concurrent. There is also a mandatory
19 surcharge. Counsel, how much time would your client like to
20 pay.

21 MR. VARGHESE: Judge, what is the amount?

22 THE COURT: Three seventy-five.

23 MR. VARGHESE: Ninety days, Your Honor.

24 THE COURT: Okay. So, we will adjourn this matter
25 for 90 days from today, which will be August --

1 MR. VARGHESE: Judge, may have a moment before you
2 do that?

3 THE COURT: Sure.

4 MR. VARGHESE: Judge, it can be done in 30 days.

5 THE COURT: All right, we are adjourning this
6 matter to June 13th for the defendant to pay.

7 As I explained earlier, you do now have a felony
8 criminal record in New York State and you will have to
9 submit to having your DNA taken. That concludes today's
10 matter, thank you. Bail is exonerated.

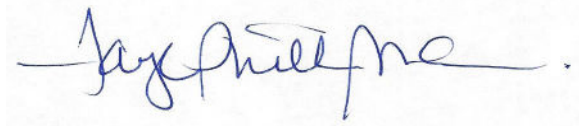
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12 Certified to be a true and accurate transcript of the
13 stenographic minutes taken within.

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Faye Phillips-McLean
Senior Court Reporter

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