



Written by [Selwyn Duke](#) on February 11, 2020

Justice, New York-style: Did the Government Kill Wilmer Rodriguez?

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New Yorker Wilmer Maldonado Rodriguez had agreed to testify against MS-13 gang members, a brave move considering their reputation for viciousness. But he'll never get the chance.



Rodriguez was found bludgeoned to death on Sunday, February 2, behind an abandoned home in New Cassel, Long Island, according to Nassau County police. Moreover, the police told reporters that another witness associated with the case was shot at in New Cassel January 30.

Critics had blamed Rodriguez' murder on New York's new "justice reform" laws; these, they claimed, force prosecutors to disclose witnesses' names to defendants — and the accused's attorneys did have Rodriguez' identity. But state Democrats later countered that this was an attempt to use the hapless man's death for political gain. They asserted that the new laws still allow for witnesses' names to be kept secret and that, in fact, this is precisely what happened in the case here. What's the truth?

The 36-year-old Rodriguez' story began in October 2018, when he "was allegedly attacked by nine MS-13 members ... after intervening when the group threatened two boys," [wrote](#) the *New York Post* February 5.

"The suspects allegedly beat all three victims, stabbing Maldonado [Rodriguez] several times and knocking him in the head with a bat, officials said," the paper continued.

Rodriguez survived that attack, of course. But when he didn't survive being a witness, the controversy began. Nassau County Police blamed N.Y.'s "just reform" laws — in particular the "discovery" laws — which took effect January 1.

"County Executive Laura Curran piled on the attacks, saying in a statement, 'We cannot let another murder happen because a witness may have been disclosed,'" the *Post* [reported](#) in a February 6 piece.

Then there was last week's Tucker Carlson Tonight segment (video below), in which the eponymous host blamed the discovery laws.

But it turned out to not be quite that simple. Nassau County Police Commissioner Patrick Ryder, walking back an earlier statement, ultimately said that Rodriguez' "death had 'no direct link' to the new criminal justice reform," the *Post* also reported.

Moreover, the *Post* had published a February 6 article on the case titled, "**New York's botched criminal-justice reforms just produced their first corpse.**" But the paper quickly [scrubbed it](#) from



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its website, apparently considering the reporting erroneous. Only the [cached version is now available](#), courtesy of Google.

What does remain on the site is an [article](#) published the same day in which the *Post* relates a joint pronouncement by a group of criminal-defense organizations. To wit: “These statements by law enforcement are again another attempt to use lies and misrepresentations to create the illusion that the new laws are a danger to public safety,” they complained, addressing the accusation that the government had outed Rodriguez.

These critics say that the new laws still allow for the protection of witnesses and that Rodriguez’ name wasn’t revealed to the MS-13 defendants. Case closed? Well, this certainly is where the mainstream media appear to have left the story. But not so fast.

In reality, the new laws do state, CourtInnovation.org (CI) [reports](#), that prior to a trial the prosecution must provide the defense with names “and adequate contact information for any person who has relevant information regarding the case” — this would include witnesses.

That said, the laws also state that parties may “have valid reasons for withholding information, generally related to the safety of witnesses,” CI also tells us. And the prosecution may then obtain a “protective order” if it can show “good cause.”

Whether or not to grant one is up to a judge, and this is where it gets interesting: CI informs that “a court may order that the material be limited to defense counsel’s viewing and cannot be shared with the defendant[s].”

And it turns out this is exactly what happened in Rodriguez’ situation.

As Fox News [wrote](#) last week, an order of the judge in the Long Islander’s case “required attorneys for two defendants not to reveal Rodriguez’s name to their clients until the trial’s start date of Jan. 6” (it was later delayed).

So what happened? “We don’t know if the defense counsel turned that information over to the defendants,” Commissioner Ryder said, “but we do know that right after that time period ... started this pattern of intimidation,” Fox also tells us.

The attorneys deny complicity. “I never gave him the name of those people. And he never asked me for it,” lawyer Greg Madey, who is representing 20-year-old Denis Pineda, told *Newsday*,” Fox further relates. “I’m offended by the allegation that Denis Pineda had something to do with orchestrating this murder.” (Yes, how dare anyone imply that a purported MS-13 gang thug could do such a thing!)

Justin Feinman, who is representing 19-year-old Elian Ramos Velasquez, was less melodramatic. He “told *Newsday* that ‘at this point to say that it was a defense attorney that leaked without more information is completely inappropriate,’” Fox continues.

Hence Ryder’s “no direct link” backtracking. With a judge having ordered that Rodriguez’ identity be kept from the defendants, and with their lawyers denying they shared it, the commissioner perhaps has to be circumspect in his statements.

But question: Would you want your safety made dependent upon the trustworthiness of two lawyers representing purported MS-13 gang members?

And what kind of system and judge allow for the revealing of a witness’ identity to such people?

Then there’s what’s left unsaid. Rodriguez was a vagrant; as such, he was at higher risk of violence than



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most people, so the case could be made that his death was coincidental. But not only did Commissioner Ryder tell “[reporters Wednesday](#) that another witness on the case was shot at in New Cassel on Jan. 30,” writes Fox, but there’s this: Why wasn’t Rodriguez in witness protection?

Since he was one of the defendants’ victims and they’d already seen him, they could have assumed he was a witness. And even if they didn’t know his name, how hard could tracking down a local vagrant have been? Hit the streets, spread some cash around, and someone’s eventually going to say, “Yeah, I know that dude — he hangs around the _____.”

Whatever the case, N.Y.’s new “justice reform” is justice deformed, favoring the criminals at the expense of good citizens and victims. It’s only going to make it less likely that people will be willing to testify against dangerous thugs, too. After all, say what the authorities may, it’s just starting to seem that the government is chiming in with the criminals, “Snitches get stitches.”

Photo: KRC/iStock/Getty Images Plus

Selwyn Duke (@SelwynDuke) has written for The New American for more than a decade. He has also written for The Hill, Observer, The American Conservative, WorldNetDaily, American Thinker, and many other print and online publications. In addition, he has contributed to college textbooks published by Gale-Cengage Learning, has appeared on television, and is a frequent guest on radio.



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