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U.S. Judge Halves Sentence of Ex-Bloods Gang Member

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A federal judge has more than halved a sentence of a man convicted of armed robbery after finding he was given ineffective assistance of counsel during his original sentencing. After sentencing Elvin Harris in 2005 to more than 33 years in prison, Eastern District Judge Joanna Seybert ([See Profile](#)), sitting in Central Islip, re-sentenced him on May 18 to 12 1/2 years.

A one-time Bloods gang member, Harris was charged for his involvement in several Long Island armed robberies but later gave prosecutors information about the gang and one of its members. While awaiting sentencing, he was targeted by inmate Bloods members and kept a shank in his cell to protect himself. When the shank was discussed at his 2005 sentencing, Harris' court-appointed attorney, Anthony La Pinta of Reynolds, Caronia, Gianelli, Hagney & La Pinta in Hauppauge, neither sought an adjournment nor questioned the matter, and Seybert viewed the weapon as an indication of Harris' incorrigibility. But the judge vacated the sentence last fall after learning why Harris kept the shank, saying the circumstances altered "the character of the offense" (*NYLJ*, Oct. 13, 2011).

Richard Langone of Langone & Associates in Levittown, who represented Harris, 29, on his habeas petition, said he asked the judge for a new sentence of between 11 and 13 1/2 years. Langone said that at the resentencing Harris expressed remorse for his crimes and gang-involvement, and he cried when he heard the judge's decision. La Pinta said he also attended the resentencing to show support for his former client.