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Nutter expresses outrage at suspect's bail

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Jorge Aldea is now back in custody.

An angry Mayor Nutter questioned Monday how a man with a long arrest record for violence and guns was granted bail earlier this month, walking free hours before a warrant was issued for him in a 2011 murder, and days before a witness to that slaying was gunned down, execution style, in North Philadelphia.

Nutter, who has made public safety, especially gun violence, one of the centerpieces of his platform for a

second term, called the case of Jorge Aldea, 23, "exhibit number one," in the challenges facing police when they arrest violent criminals only to watch them go free.

At a Jan. 5 hearing, Common Pleas Court Judge Nazario Jimenez Jr. reduced Aldea's bail on a gun-possession charge from \$50,000 to \$20,000, despite a prosecutor's objections over Aldea's dozen previous arrests, including ones for attempted murder and assault.

Six days later, on Jan. 11, Aldea posted 10 percent bail and was released. Only hours later that same day, a warrant was issued for him in the 2011 murder of Louis Chevere, 22, shot over a dispute at Westmoreland and Mutter Streets.

Reyna Aguirre Alonso, who witnessed the murder from her apartment above the store where she worked, was shot dead by a masked man Jan. 23, and police believe Aldea was involved in her killing, sources said Monday.

"This is a person that should not have been out on the street in the first place," Nutter said in an interview with The Inquirer about Aldea's January bail reduction. "It was a gun charge, and when you look at his history, his record, his priors, it's clear this is a dangerous person."

Nutter lashed out at the decision by Judge Jimenez at the bail hearing based on Aldea's record alone.

Police have not named a suspect in Alonso's killing, but they said they will be questioning Aldea, who is in New York awaiting extradition to Philadelphia after authorities tracked him to an apartment in The Bronx on Friday.

The Police Department and the District Attorney's Office on Monday were presenting varying accounts of what delayed the murder warrant in Chevere's killing.

Aldea was arrested Dec. 21 after patrol officers in the 25th District spotted him carrying a loaded handgun outside a North Philadelphia grocery store.

The arrest report was marked with "a high bail request," because of Aldea's long record, court records show.

By January's bail hearing, Aldea had emerged as the main suspect in the Chevere murder investigation, according to court documents reviewed by The Inquirer.

Police had been interviewing witnesses, and five days before the hearing, a ballistics test matched the gun Aldea had been arrested with to a gun used to shoot up a sidewalk memorial constructed in Chevere's memory.

Prosecutors did not mention the open murder investigation, or the gun's connection to it, at the bail hearing, said Aldea's defense attorney Jason Kadish.

"It was a pretty dry bail hearing," Kadish said. "Certainly, no mention of a murder."

Kadish said he argued that the \$50,000 bail was above the guidelines, and stressed Aldea's ties to the community as proof he wouldn't flee.

Judge Jimenez did not return calls seeking comment.

Tasha Jamerson, a spokeswoman for the District Attorney's Office, said homicide investigators did not

notify prosecutors before the bail hearing that Aldea was being investigated for murder.

Jamerson said homicide detectives first notified the District Attorney's Office that they were investigating Aldea on Jan. 6 but did not request a warrant until Jan. 11, after Aldea had made bail.

"No one from the Police Department came to this office asking for a warrant until Jan. 11, because if they did they would have gotten it," Jamerson said.

Homicide Capt. James Clarke strongly disputed that statement, laying down a different time line of the investigation.

According to Clarke, the lead investigator in the Chevere murder met with a member of the District Attorney's Office homicide unit Jan. 6 and presented prosecutors with an investigative packet and affidavit of probable cause for Aldea's arrest.

"The lead investigator makes them aware that Aldea is in custody and says he has enough for a murder warrant and wants to charge him while he's in custody," Clarke said. The District Attorney's Office reviewed the packet, Clarke said, and requested that the investigator conduct an additional interview with a witness - a normal step in the warrant process.

After conducting the additional interview - which did not alter the information in the original affidavit, Clarke said - the homicide unit again requested a warrant from the District Attorney's Office on Jan. 10, Clarke said.

The District Attorney's Office wanted to review the file further, Clarke said.

On the morning of Jan. 11, the lead investigator checked with the prison system, learning that Aldea had posted bail hours earlier, about 5 a.m., Clarke said.

The homicide unit notified the District Attorney's Office of Aldea's status, Clarke said, and eight hours later a warrant was issued based on the affidavit presented five days earlier.

All of the evidence in the affidavit - which was reviewed by The Inquirer - had been collected by Jan. 6.

Jamerson contested Clarke's version of events, maintaining that no one from the Police Department requested an arrest warrant before Jan. 11, and said police investigators conducted the additional interviews on their own.

"No one from the district attorney's ever told anyone in the Police Department to go and conduct more interviews in this case," she said.

Nutter, who wants harsher penalties and a guaranteed prison time for gun offenses, said Aldea's case is a reminder for the glaring need for harsher gun penalties.

Last week, as he rolled out his public safety plan to combat an alarming spike in homicides this year, Nutter said: "Got a gun? Go to jail. No more slaps on the wrist. No more falling through the cracks. No more walk away and think that nothing else is going to happen to you."

And Aldea had fallen through the cracks less than two weeks before that - continuing a pattern of eluding prison.

When he was 16, Aldea was arrested in the shooting of a man in the neck. At 17, he allegedly fired a gun

outside a bar in midafternoon; bullet fragments struck a year-old child in the neck and face. In February 2011, Aldea was arrested for shooting at a woman in a car. Starting at age 15, Aldea was arrested four times on charges of selling drugs.

At the time of his December arrest, Aldea had open drug and weapons cases. But despite his many arrests, Aldea had never been sentenced to prison. Twice, he received probation for drug arrests, but most of his other cases collapsed when witnesses failed to appear in court.

According to the Pennsylvania Crime Code, people carrying illegal guns can be sentenced up to seven years in jail, but that is rarely the case in Philadelphia where offenders get off with little jail time or probation, Nutter said.

"Regular citizens take a look at this and are perplexed and have to question why someone with all these prior arrests, someone arrested for having a gun, why is he out on the street," Nutter said. "A person is in custody on a gun charge, a bad person with 12 priors - some involving guns - and his bail gets reduced? Seems to me the only argument should be for more bail."

Nutter called for "much closer scrutiny of these cases related to guns and repeat and longtime offenders."

"We have to ask our judiciary," he said, "to be that much more mindful when reviewing cases that include some of these dangerous people who should not be on the streets of Philadelphia."