

The New York Times

At Sentencing Youth Bares Soul, and Judge Bares His Pain

Published: September 18, 2008



Yiskar Caceres, 19, was sentenced on Thursday to four and a half years. The case was his fourth cocaine arrest in 15 months.

Justice Farber's dilemma in a Manhattan courtroom played out like a dramatic monologue.

How much misery was appropriate to inflict on a promising 19-year-old, who himself had inflicted misery on society by dealing drugs, the judge asked himself out loud. "It's almost an impossible calculus," said Justice Farber, who sits in State Supreme Court in Manhattan.

The young man, Yiskar Caceres, had been arrested four times in roughly 15 months for selling or possessing cocaine, and Justice Farber already had given him an opportunity to wipe his slate clean before his most recent arrest, in April.

Now, Justice Farber said, he had no choice but to sentence Mr. Caceres to state prison. But even in doing so, the judge showed some compassion: he gave Mr. Caceres four and a half years in prison, half the maximum sentence that prosecutors had sought. Because Mr.

**Mark I. Cohen,
Esq.**

**20 Vesey Street,
Suite 1200**

**New York, NY
10007**

**Phone:
(212) 732-0002**

Caceres has already served 11 months and will be eligible for a drug-treatment program, he could be out in as little as two years.

“I have not given up hope in you,” Justice Farber said, adding that he hoped Mr. Caceres would see how drugs had destroyed some of the inmates’ lives, “see the connection between what you do and what they become.” Before he was sentenced, Mr. Caceres read the judge a three-and-a-half-page letter he had drafted at the judge’s request, explaining what he was thinking when he committed his crimes.

“I first started selling drugs at the age of 16,” Mr. Caceres said. “I went from one day having nothing to the next day having over \$300. It was an unexplainable feeling.” He added: “While the money was coming in, so did the status of having money and the respect I received from the fact of me having money. All these things made me overlook the wrong I was doing to myself and others.”

Mr. Caceres’s lawyer, Mark I. Cohen, said that he had seen a promising maturation in his client since last year, when he represented Mr. Caceres in his third arrest.

“My sense is he’s learning life is more than just the ‘now’ moment,” Mr. Cohen said outside the courtroom. “It’s one brick at a time and the future depends on what you do now.”

Justice Farber described sentencing Mr. Caceres as painful. He said he felt that state prison was not an adequate form of rehabilitation, and was, in fact, counterproductive.

After The New York Times published an article about Mr. Caceres’s case in July, Justice Farber said, he received many letters. One, which he said was particularly touching, came from a man to whom he had given a life sentence for murder. The letter said, “Nothing that they say about rehabilitation in state prison is true,” Justice Farber said. The inmate also pleaded with him to “please consider any other options than this human warehouse” for Mr. Caceres. “It therefore saddens me that I have to sentence Mr. Caceres to state prison,” the judge said.

Mr. Caceres’s mother, Rosa Maria Peña Cordero, cried throughout the proceeding. The past few weeks have been particularly difficult for Ms. Cordero, whose oldest son, Osvaldo, was recently sent to the Middle East with the Army. “I’m very sad,” she said. “One in prison and one in Iraq. I haven’t been able to stop thinking about my two sons. I’ve been praying that they’re safe and they come home safe.”