Did Upshaw Incite a Riot?

People v. Upshaw, *741 N.Y.S.2d 664 (Crim. Ct. N.Y.C. 2002)*
Opinion by: Harrington, J.

Defendant argues that the accusatory instrument [indictment], which charges him and two codefendants with inciting to riot and disorderly conduct, is not facially sufficient and must be dismissed. Specifically, defendant argues that his actions, rather than criminal, were an exercise of his right to free