

JUDGE CUTS WOMAN'S \$1.1M AWARD TO \$700G

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A federal judge yesterday cut an award of \$1.1 million in civil-rights damages to \$700,000 for an East Quogue woman who was arrested and initially described as a security threat and “a terrorist” in 2009 for taking pictures at the Air National Guard base in Westhampton Beach.

U.S. District Judge Joseph Bianco in Central Islip said the jury award in 2014 to Nancy Genovese, even considering the suffering she endured and that she was legally on a public highway, “was grossly excessive, particularly in light of comparable jury awards” in roughly similar cases.

An attorney for Genovese, Frederick K. Brewington of

Hempstead, said they were consulting about whether to appeal. A spokesman for Suffolk County could not be immediately reached to comment.

Genovese was arrested for taking pictures from outside the Air National Guard base in Westhampton Beach, charged with trespassing, strip-searched and jailed four nights before she raised \$50,000 in bail. The charge, a misdemeanor, eventually was dropped.

Genovese had been taking pictures of a helicopter of the 106th Rescue Wing of the Air National Guard. Genovese, who had no previous arrest record, said the photographs were for a website she was making to support U.S. troops.

Law enforcement officials said when she was arrested; they found a shotgun, assault

rifle and several hundred rounds of ammunition in her car. She legally owned the weapons and ammunition and had been at a shooting range earlier. She sued the county in 2010.

Bianco said that, in summarizing arguments, Genovese’s attorneys asked for hundreds of thousands of dollars from the county for essentially the same damages.

In effect, doing what the judge said was “double-counting,” once for pain and suffering Genovese endured because of the arrest and again because of “malicious prosecution.”

“Even if the jury did not rely upon these arguments and there were no specific errors, the verdict is still grossly excessive,” Bianco said.