

UNDISCLOSED RECORD OF COP NEGATES VERDICT

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A judge has thrown out a verdict that convicted a Roosevelt woman of assaulting Nassau County police officers after prosecutors failed to disclose before her trial that a key police witness had faced departmental discipline years earlier for lying.

Nassau Supervising Judge Teresa Corrigan granted a new trial to Jonita Martinez, 29, in a Sept. 30 decision that said the new information about the witness was “material to his credibility, which was paramount to the People’s case.”

Attorney Frederick Brewington, who represents Martinez, on Friday applauded the judge’s ruling.

He said his client “had an absolute right to know that one of her accusers had lied, conspired and made false claims against another civilian as a police officer.”

Nassau district attorney’s office spokesman Brendan Brosh said Friday that his office was “reviewing the decision.”

The controversy began shortly after a Nassau jury in June 2018 found Martinez guilty of felony assault and misdemeanor charges of resisting arrest and petit larceny.

Prosecutors notified the trial judge they “mistakenly believed” records had been turned over to the defense before the trial showing the key witness, retired Officer Daniel Dowsett, had been found guilty of internal department charges after a 1997 incident. Court records showed Dowsett was docked five days of pay after officials found he conspired with other officers to conceal another officer’s auto accident by fabricating a story that blamed damage to a store window on a man said to be fleeing police.

In Martinez’s trial, the prosecution “placed a lot of weight on Dowsett’s testimony,” according to Corrigan’s ruling.

The judge said Dowsett’s testimony was used “almost exclusively” to prove the legality of his acts and his fellow officers during Martinez’s stop and arrest.

Nassau police alleged after Martinez’s Jan. 26, 2017, arrest in Elmont that she had attacked two officers after police stopped the car she was in

based on a description of a vehicle linked to a larceny at a nearby CVS pharmacy.

Police said the encounter turned violent when Martinez hit an officer in the face as the officer bent to pick up a marijuana cigarette, which records indicate later was found to be tobacco, that police saw her drop.

Martinez kicked and flailed her arms, causing the officers to fall into a fence as they tried to arrest her, according to police.

They also reported that injuries to the officers included a chipped elbow bone and chest pains.

Acting state Supreme Court Justice Felice Muraca, who presided over the trial, ordered in July 2018 that Martinez be released from jail on her own recognizance after the post-verdict disclosure from prosecutors. Martinez had not yet been sentenced in the case.

Brewington told Muraca then that prosecutors “knew exactly what their obligation was” and there was “no excuse for the failure to disclose.”

Prosecutor Brian Lee told Muraca that he erred by failing to make the disclosure, a mistake he said in a court document that the prosecution discovered “a few days after the verdict.”

Brosh said at the time that it was “an inadvertent error” and added that prosecutors take pre-trial disclosures seriously.

A police union leader previously called Dowsett “a good cop” who “made hundreds of good arrests” in what had been a decadeslong career.

Court records show Nassau police arrested Martinez again months after her jail release, charging her in November 2018 with felony assault, resisting arrest and criminal trespass after an incident at the county jail.

Police alleged Martinez, who was visiting the facility, spat on a correction officer and kicked him after acting aggressively toward officers and refusing to leave the premises.

Court records show Martinez later pleaded guilty to resisting arrest and got a sentence of three years of probation and 45 days in jail — time behind bars her attorney in that case, Alan Schwartz, said she already had served.

Martinez is due in court Oct. 22.