

Teen Awarded \$45,000 in Arrest

By Robert E. Kessler

STAFF WRITER

A Lakeview teen, who went on to become the president of the Malverne High School student organization, captain of the school football team and an All-Nassau County middle linebacker, has been awarded \$45,000 by a federal jury that found his civil rights had been violated by two police officers who arrested him four years ago when he was 15 years old.

The jury at the federal courthouse in Hauppauge found late Monday that the two police officers had falsely arrested Aden Smith, who is black, and had failed to intervene to stop each other from committing the false arrest, according to Smith's attorney, Fred Brewington of Hempstead. The jury of four men and three women — all white except for one Hispanic woman — ruled for Smith after a two-week trial and 14 hours of deliberation.

The jury also found Nassau County responsible for the two charges, but acquitted the two officers, John Wighaus and Nicholas Squicciarini, of two other charges, use of excessive force and abuse of process, in effect, rigging the arrest by lying about its circumstances. The jury also acquitted of all charges a third defendant, Sgt. Peter Donohue, who arrived at the tail end of the incident.

Smith, now 19 and a freshman on the football team at State University at Stony Brook, said in an



Newspaper Photo / John Paraskvas

A jury found that police falsely arrested Smith and violated his civil rights.

interview that he now does not bear any ill will toward the officers but at the time of the incident, "I felt like I was non-human," and had to go to a psychiatrist for several months to deal with recurring nightmares and sleeplessness.

Brewington said the incident was "every black mother on Long Island's worst fear — an outstanding child who has never been in trouble with the law being mistreated by police."

The attorney for the county and the officers, James Keefe of Garden City, said, "These are three excellent officers who got involved in an unfortunate misunderstanding. Apparently, Mr. Smith did not understand that they were looking for a robber who looked like he did." Keefe said the county was considering an appeal but had not made a decision.

Testimony by Smith and several people who supported his account said that Smith was bicycling from his house to a nearby playground to play basketball when he was accosted by the two officers who were in plainclothes and failed to identify themselves.

Smith said one of the officers knocked his wallet out of his hand when he tried to show them his high school identification, threw him against a police car, then kned and punched him.

A crowd gathered, including Smith's father, Frank, whom the police cursed and threatened to arrest when he tried to intervene, Brewington said.

The police denied the account and said it was Smith who cursed them, defense attorney Keefe said.

Brewington then said the police charged Smith with attempted assault — "a felony on conviction of which he could have ruined his life," Brewington said. The charge was eventually dropped.

A source familiar with the jury deliberations said that while Smith had asked for as much as several hundred thousand dollars in damages, the jury only awarded \$45,000 because the teen had not suffered serious physical injuries and his psychological trauma lasted only several months.

"Today, I don't have terror toward cops. I'm older and more together now and don't think all cops are bad. I'm just happy that a step was taken to help prevent police from acting like that in the future," Smith said of the verdict.