

Disputed Details Surround \$10M Suit

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Gary Boylan, of Hicksville, either tried to lure a 6-year-old girl into his car one day in September 1997, or he had a seizure stemming from the onset of Parkinson's disease and was crying out for help.

Those two scenarios were presented yesterday in opening statements before U.S. Magistrate Judge E. Thomas Boyle and a federal jury in Central Islip. Boylan is seeking at least \$10 million in the civil lawsuit where such questions aren't the only things in dispute. Jurors must decide whether Boylan, 50, whose criminal charges ultimately were dropped, was wrongfully arrested on Sept. 14, 1997, and how he was critically injured a day later.

Boylan's attorney said his client was severely beaten by correction officers after he was led from his arraignment in First District Court in Hempstead. He suffered injuries to his skull, face, nose and an arm and was hospitalized in critical condition, said Frederick Brewington, a Hempstead attorney representing Boylan in his suit against Nassau County's police and sheriff's departments and Nassau University Medical Center.

Attorneys for Nassau County, however, say Boylan was injured when he lapsed into a seizure and fell head-first onto hard metal benches.

"Mr. Boylan went in standing up and he came out lying down," Brewington said. "Gary Boylan, while in that hallway, was subjected to a beating."

Brewington said two Nassau County correction officers assaulted Boylan partly because he had been charged with endangering the welfare of a child, a crime with sexual overtones.

But Chris Termini, an attorney representing the county's law enforcement agencies, said Boylan admitted to authorities that he tried to abduct the girl and was elusive to police when they interviewed him. Termini also said Boylan's illness caused his injuries as he was led through the courthouse.

"As he was brought in he started to shake," Termini told jurors. "He fell face-flat, no hands out, the dead weight of a man who is 180 pounds."

The case stems from an incident in which Boylan, who was diagnosed with Parkinson's disease about 10 years earlier, stopped in the middle of Elm Street in Hicksville, about a block from his home.

He saw the girl, then 6, and called out something to her.

Brewington said Boylan "froze" because he sensed the onset of an attack from his disease and yelled "Help!" to the girl. Termini, however, said Boylan invited her to "Hop into my car."

Both attorneys said the girl was afraid and ran into her home and called her parents. Her father and uncle rushed out and took Boylan's keys out of the ignition and called police.

When police arrived, Brewington said, they couldn't communicate well with Boylan because he was experiencing an attack. Termini said Boylan was avoiding the officers' questions.

Police confiscated a Tic Tac box from Boylan with pills inside. Officers didn't know it at the time, but those pills were Boylan's medications. At some point during his exchange with officers, Boylan said he had Parkinson's disease and needed his medication.

Boylan was charged with endangering the welfare of a child, driving while intoxicated and driving while ability impaired by drugs. Charges were dropped about a year later by the district attorney's office because of lack of evidence, Brewington said.