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Hempstead Man Seeking \$45 Million

Laborer was locked up in drug case

By Sid Cassese
STAFF WRITER

Jose Carbajal spent last Halloween in jail, Thanksgiving and Christmas, too. Charged with selling and possessing cocaine and unable to make bail on his laborer's wages, the Hempstead man spent more than two months in the Nassau County jail, protesting his innocence.

All for a crime his lawyer says should have been obvious he didn't commit, if police or prosecutors had bothered to take a good look at him — and at a video they had of the real drug dealer, who was clearly someone else.

The charges against Carbajal were finally dropped in January after a grand jury declined to indict him. Now he wants his day in court: Yesterday his lawyer filed a \$45-million federal lawsuit against Nassau and Hempstead Village police, the Nassau district attorney's office and sheriff's office, and several prosecutors and police officers.

Court papers say Carbajal, 38, a roof worker, was arrested Oct. 22, 2001, by Nassau and Hempstead police based on a video taken on a Hempstead street of a drug sale on March 16, 2001. He was released just before the new year.

"Despite his protestations of innocence and his declaration that he was not the man pictured, he ended up spending a lot of time in jail, having his body cavities forcibly searched every time he went to court, and was ignored when he got sick in jail," said Fred Brewington, the Hempstead lawyer who filed the suit in U.S. District Court in Central Islip. "How does an innocent man explain the horror he feels when he finds himself in a system that has stolen his liberty?"

Citing the pending lawsuit, officials of the jurisdictions being sued all gave the same response yesterday. Louise Tripoli, a spokeswoman for Nassau County; Hempstead Mayor James Garner;



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Jose Carbajal was in Nassau jail for more than two months.