

Newsday

LONG ISLAND

Charges, Counter-Charges in Cop Suit

By Robert E. Kessler
STAFF WRITER

A Valley Stream sanitation man's calling a Nassau County police officer "baldy" touched off a series of unprovoked brutal beatings five years ago by the officer and his partner, the man's attorney said yesterday.

But an attorney for the county maintained that the sanitation man, Joseph Spagna, "deserved what he got" because the police were using reasonable force as Spagna repeatedly resisted arrest.

Spagna, is suing the bald-headed officer, Anthony Raymond, his partner at the time, officer Gregory Martin, and the Nassau County Police Department for millions of dollars for allegedly violating his civil rights by beating him in his home, in front of his home and then in the parking lot and bathroom of a police precinct. Spagna was also falsely arrested on charges of assaulting police officers, resisting arrest and attempting to steal the officer's revolver, said one of his attorney's, Joel Sunshine of Garden City, at the opening of Spagna's civil rights suit in U.S. District Court in Central Islip.

Sunshine noted that a Nassau County grand jury had refused to indict his client on any of the charges. Before the beatings, Spagna was being questioned by officer Raymond in his home about a neighbor's complaint that he

had let the air out of one of the tire's of the neighbor's car, Sunshine said.

When Spagna curtly began to object to the accusation by saying, "Look, baldy," Sunshine acknowledged, Raymond responded by angrily saying, "What did you say to me?" The officer then began to assault Spagna "pounding him over and over," with his long flashlight, Sunshine said. Sunshine and Fred Brewington of Hempstead are representing Spagna.

Raymond's partner, Gregory Martin, is also named in the suit, along with the Nassau County police for failing to fire or restrain the officers and others who acted similarly.

Three years ago, Raymond had been found to have violated the civil rights of an Elmont man whom he shot to death. A jury in the same courthouse awarded the three children of the man, Christopher Wade of Elmont, \$2.25 million. Raymond said he fired on Wade because he thought the man was about to fire on him, and a county investigation exonerated Raymond of wrongdoing in that incident.

The attorney for the police, Charles Horn, asked the jury of three women and five men, to just concentrate on claims around the day of Spagna's arrest.

Horn said that contrary to Spagna's claims, he had so much to drink that he was "loaded" and was "very, very" abusive to the police.

Horn said that in his initial confrontation with Raymond, Spagna said, "I'm not going to get arrested" and "he went for the officer's gun."

"We do not deny that force was used," Horn said. But "Officer Raymond was fighting for his life. . . . He (Spagna) deserved what he got."

The trial before Magistrate William Wall is expected to last three weeks.



Photo by Howard Schnapp

Lawyer Fred Brewington, left, and plaintiff Joseph Spagna leave U.S. District Court in Central Islip yesterday.