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Hispanic activist sues Nassau officials over arrest

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As a former gang member turned outspoken anti-gang activist, Sergio Argueta had grown accustomed to a measure of public recognition.

But not the kind of attention he says he experienced in February 2006 when Nassau police, responding to complaints of rowdy customers at a Westbury diner, arrested him for trespassing and resisting arrest.

"I did nothing wrong," Argueta said, adding that he was not affiliated with the loud customers, but that the police ordered all the Hispanic patrons out of the restaurant. "My only crime was eating in a diner."

Now, Argueta, 29, of Uniondale, is adding District Attorney Kathleen Rice to the list of governmental officers he intends to sue over what he called his false arrest, malicious prosecution and racial profiling, he said at a news conference yesterday in Mineola.

Argueta said the move to sue Rice came after she re-filed the trespassing charge, which has been dismissed twice by District Court Judge Dana Mitchell Jaffe.

His lawyer, Frederick Brewington of Hempstead, served Rice's office with a notice of claim yesterday, the first step toward a lawsuit. Brewington had served the county and the police department with notices of claim last spring.

A spokesman for the Nassau Police Department declined to comment. A county spokesman, Joe Calderone, said the county's attorneys have not yet seen the actual complaint. In a statement, Rice said the trespassing charge was thrown out only because of procedural mistakes, not because of the validity of the charge.

"Ultimately, a judge or a jury will decide this case on its merits," she said.

In the pre-dawn hours of Feb. 18, 2006, Argueta said he was eating quietly at