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Deposition: Cop knew robbery charge was incorrect

October 28, 2009 By SID CASSESE sid.cassese@newsday.com



Photo credit: Bridget O'Brien | Raheem Crews sits in his mother's apartment in Far Rockaway. (Nov. 16, 2005)

A Nassau detective said he did not tell anyone that a Queens teenager charged with armed robbery could not have committed the crime because he already was in jail on another charge, according to a copy of the officer's notarized deposition.

In the deposition taken in February, Det. Nicholas Lemma was asked what he did with the information from a police department computer that Fred Brewington, the lawyer for Raheem Crews, 24, of Queens, said would have freed Crews from jail.

"I kept it to myself and said, 'Let the chips fall where they may,'" Lemma, then a First Squad detective, said of the 2005 case.

Later in his testimony, however, the detective was less emphatic when asked whether he shared the information with the Nassau Police Department or the district attorney's office.

In the deposition, one of Brewington's law associates asked Lemma, "When you learned of information . . . that would have exonerated a person, did you have a duty as a police officer to report that to anybody?"

"At that time, he [Crews] went through arraignment - I figured that it would have been picked up by then," Lemma replied.

Asked by the law associate if he shared the information he had discovered about Crews with anyone at the police department or the district attorney's office, Lemma said, "I don't recall."

Lemma made his comments in the sworn deposition taken in a civil suit over the arrest and four-month imprisonment of Crews, who was 19 at the time of the March 25, 2005, armed robbery in Roosevelt.

Brewington said his client was in jail on a criminal mischief charge from March 24 to 31, 2005.

Brewington is representing Crews in a multimillion-dollar lawsuit against Nassau, which is pending in the federal courts.

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Lemma could not be reached for further comment Wednesday. While a deputy county attorney represented Lemma at the deposition, County Attorney Lorna Goodman said, "He was our client and we can't comment on the deposition."

Tuesday, a county police spokesman said an officer, whom he would not name, had been investigated in the Crews case and had resigned. The department would not comment on any other aspect of the case.

But other informed sources, who asked that their names not be used, said that officer was Lemma.

The actions surrounding the case are now under investigation by the office of Brooklyn District Attorney Charles Hynes, who was appointed as special prosecutor. Nassau District Attorney Kathleen Rice sought a special prosecutor in August after determining that prosecutors from the office of her predecessor Denis Dillon "could be materially involved," Rice spokesman Eric Phillips said.

On Aug. 26, Nassau's chief judge appointed Hynes to look into the case. Jonah Bruno, a Hynes spokesman, said only that the Crews case is being investigated. Brewington's office took Lemma's deposition and, as a result, asked Rice after the deposition was taken in February of this year to begin criminal action against those involved.

News of the Hynes investigation surfaced following a letter that Brewington sent last week to Rice. It criticized her for not following up on an earlier request for an investigation into the actions of the Nassau police and the Nassau district attorney's office.

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