

LONG ISLAND

Man alleging excessive force will get new trial

BY ROBERT E. KESSLER

robert.kessler@newsday.com

A federal judge has thrown out a jury verdict that awarded \$65,000 to a Hempstead man who said he was brutally beaten by a Suffolk County deputy sheriff over his request to wear socks.

U.S. District Judge Joanna Seybert in federal court in Central Islip declared a mistrial Thursday in the civil case of Perrim Anderson, 38, saying "inconsistencies and juror confusion" necessitated a new trial.

Anderson had sought millions of dollars in damages that he said occurred after he asked to wear socks while he was detained on a harassment warrant involving a former girlfriend, records show.

The jury had been asked to render a verdict twice in March after a nine-day trial, but both times their reasoning was ambiguous or did not follow her instructions, the judge said.



PHOTO BY BARRY SLOAN

Perrim Anderson

Anderson will now get another chance to argue that the injuries he suffered five years ago at the Suffolk District Court are worth more than \$65,000.

In a statement issued yesterday by his attorney, Fred Brewington of Hempstead, Anderson said: "I was beaten and abused for no good reason. I have learned that the road to justice is not an easy one, but I will stay on it until justice is served."

Brewington said: "We believe a new trial will provide Mr. Anderson the opportunity to get justice . . . given the level of his damages."

Suffolk County Attorney

Dennis Brown said because litigation is pending, he could not comment beyond saying, "We will continue to defend the rights of the county and its employees."

In her decision, Seybert said the jury was asked twice to issue a verdict as to whether Deputy Sheriff Vincent Aparicio used excessive force against Anderson, a violation of federal law, and beat him, a violation of state law. Jurors were initially unclear about whether the \$65,000 award was for a violation of state or federal law, she said.

When asked to clarify their reasoning, Seybert noted that if the jurors found that excessive force had been used, a violation of federal law, that decision automatically meant the state law against battery had been violated.

However, Seybert said the jurors' second verdict was that the federal law had been violated, but not state law. This meant jurors ruled contrary to her instructions, she said.