

# Nassau suit seeks \$12M over arrest

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A Westbury businessman yesterday filed a \$12 million civil rights suit against the Nassau police chief of detectives, 12 other officers, the department, the county and the district attorney's office, alleging he was falsely arrested because of favoritism by officials following an argument with the auto repair shop owner who services the chief's personal car.

Roy Tuccillo, who owns a frozen-fish importing business in Westbury, filed the suit in federal district court in Central Islip, saying he was detained by police after what was described in court as a road-rage incident, though he and the driver of the other car gave contradictory accounts.

The incident occurred in June 2011 on Middle Neck Road in Roslyn, according to court papers. This past March, at the start of Tuccillo's trial in district court in Hempstead, the prosecutor said that according to statements by arresting officer Willard Gomes, the driver of the other car, Richard Tobin, had called current Nassau Chief of Detectives John Capece.

Tobin, who owns a car repair business in Glen Cove, put Gomes on the phone with Capece, who vouched for Tobin, Nassau Assistant District Attorney Richard Corrado told presiding Judge Valerie Alexander, the trial transcript said. Tuccillo later was arrested in the incident, prosecutors have said.

"I basically was humiliated and suspicious at the same time," Tuccillo said at a news conference yesterday in the Hempstead office of his attorney, Frederick Brewington, to announce the suit's filing. Humiliated, he said, because of the way he was treated and suspicious because he was not given an adequate chance to explain his version of events.

Tobin testified at the first day of the trial that he knew Capece because he had re-



PHOTO BY HOWARD SCHNAPP

Roy Tuccillo alleges his arrest shows favoritism by police.

paired his car 10 times in the past five years, trial transcript showed. The next day, an assistant district attorney moved that the charges against Tuccillo be dismissed, which the judge granted. At the time of the arrest, Capece was chief of patrol, in charge of all uniformed officers.

At the police precinct where he was taken, the suit says, Tuccillo was placed in a cell and "handcuffed to a pipe in such an uncomfortable way that [he had] to [lie] on his side and hold his hands up next to his head for three hours." Tuccillo said that, while he was still in a cell, he was "handcuffed to the floor with his arms placed between his legs for another three hours," the suit says.

At one point an unidentified detective passed by Tuccillo, laughed at him, and said to arresting officer Gomes, "Who is the guy with the political connections? Not the boy in the cage," the suit said.

A person who answered the phone at Tobin's auto repair shop in Glen Cove yesterday said that he was out of the country and could not be contacted.

"We will stand firm against anyone who makes a raid on the public fisc," Nassau County Attorney John Ciampoli said. "We have that obligation to the taxpayers."

A spokesman for Nassau police, James Imperiale, said the department, Capece and the other officers would not have a comment. Chris Munzing, a spokesman for the Nassau district attorney's office, had no comment.