

# Lawyer: Innocent man jailed, treated like trash

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A Roosevelt man who languished in jail for a crime he didn't commit was treated like he was "expendable" when the lead detective discovered he was innocent and did nothing about it, his attorney argued yesterday.

"Raheem is not and was not a piece of garbage," Hempstead attorney Frederick Brewington said, referring to the plaintiff, after crumpling a sheet of paper and tossing it in the garbage during closing arguments in U.S. District Court. "He was not expendable and yet that's what happened in this situation."

Raheem Crews, 29, has sued the now-retired Nassau detective, Nicholas Lemma, the police department and county, alleging malicious prosecution in 2005 for a street robbery committed while he was in the Nassau County jail in East Meadow on another charge.

Brewington said Lemma was malicious because he decided to keep quiet after viewing a computer record on June 1, 2005, that showed Crews was in jail when the March 26, 2005, crime occurred.

Lemma was the "gate keeper" of Crews' freedom, Brewington said.

"It was an atrocity against a fellow human being," he said.

Crews, then 19, spent 125 days behind bars. During that time, his sneakers and meals were stolen, and he cried himself to sleep at times, Crews testified this week.

Brewington said Crews was also strip-searched about 20 times in jail, humiliated and threatened by other inmates. Brewington is seeking about \$2.5 million in damages.

Crews' criminal charges were dismissed on Oct. 17, 2005.

The suit alleges the county failed to properly train and supervise officers to handle evidence that could exonerate defendants. Crews has also claimed he was treated roughly during his May 27, 2005, arrest.

Manhattan attorney Mitchell S. Garber said Lemma was overworked and handling a heavy caseload when he failed to divulge his discovery. "Not one of us sitting here at some point in time has never made a mistake," Garber told jurors.

Garber said mistakes are done "without ill will and not done with reckless disregard for the rights of others." He said Lemma could have called his supervisor when he made the discovery around 4 a.m.

"He cannot and never will not be able to offer an explanation other

than he just didn't do it," Garber said, adding that still doesn't prove malice.

Rather, Lemma took responsibility and admitted the mistake during a 2009 deposition, and on the stand in federal court, Garber said.

A lawyer for the county, Matthew Cuomo of Manhattan, said Lemma's admission during the deposition that another suspect told him Crews was in jail — leading him to check computer records — shows his intent was not malicious.

"Does a malicious person out himself?" Cuomo said. He added: "A malicious person would have lied. Det. Lemma didn't lie."

Lemma, 57, a former First Squad detective, testified he was forced to retire or face departmental charges for his handling of the case.

Cuomo, who said the claim was worth "no more than \$40,000, \$50,000," said Lemma was "clearly negligent" but he understood his responsibility to notify authorities when he learned of Crews' alibi.

"He didn't need to be trained on this very obvious issue," Cuomo said. He added: "He made an error, but that has nothing to do with training."

The jury deliberated for about 40 minutes before District Court Judge Joseph F. Bianco sent them home. Deliberations resume Monday.