

Judge orders woman's release after DA admits to 'error'



A judge on Monday ordered the release of Jonita Martinez, of Roosevelt, who was convicted of assaulting two Nassau police officers, after learning prosecutors failed to disclose that a key police witness against her faced departmental discipline years earlier for lying. Photo Credit: NCPD

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A judge Monday ordered the release of a Roosevelt woman convicted of assaulting Nassau police officers after learning prosecutors failed to disclose that a key police witness against her faced departmental discipline years earlier for lying.

Acting State Supreme Court Justice Felice Muraca released Jonita Martinez from jail on her own recognizance, saying he would decide later whether to let the verdict stand, order a new trial or dismiss the charges.

“There’s no question this material should have been turned over,” Muraca said in Nassau County Court, calling the witness in question “extremely important” to the prosecution’s case. The witness, who had testified against the woman at trial, had been disciplined for lying about an accident involving a police car.

On June 27 a jury found Martinez, 28, guilty of felony assault and misdemeanor charges of resisting arrest and petty larceny, court records show.

Nassau police said after the woman’s Jan. 26, 2017 arrest in Elmont that she had attacked two officers who stopped her car because it matched the description of one driven by a woman who had just committed a larceny at a nearby CVS pharmacy.

They said the encounter turned violent when Martinez hit an officer in the face as the officer bent to pick up a marijuana cigarette that police saw her drop. They also said the woman kicked and flailed her arms,

causing the officers to fall into a fence as they tried to arrest her. Injuries to the officers included a chipped elbow bone and chest pains, police said the time.

The judge said he got a letter from the district attorney's office Monday morning concerning the case and his office contacted Martinez's defense attorney, Frederick Brewington.

The letter, a copy of which Newsday obtained, said prosecutors "mistakenly believed" records had been turned over to the defense before trial showing that the witness, Daniel Dowsett, had pleaded guilty to internal police department charges.

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Dowsett was docked five days of pay after pleading guilty to departmental charges following a 1997 incident in which he conspired with other officers to conceal another officer's auto accident by fabricating a story that blamed damage to a store window on a man fleeing police.

Brewington called the matter "appalling" and "outrageous," and asked the judge to release his client from jail and dismiss the charges.

"The people in this situation knew exactly what their obligation was," the Hempstead lawyer said in court, adding that the records could have been used to impeach Dowsett's credibility.

"He was their prime guy . . . There's no excuse for the failure to disclose."

Brendan Brosh, a spokesman for District Attorney Madeline Singas, said in a statement his office takes pretrial disclosure obligations seriously and called the matter "an inadvertent error."

"Prior to trial, we believed that all appropriate information was turned over to defense counsel. The

Brian Lee, chief of the district attorney's County Court Trial bureau, wrote that the mistake was discovered "a few days after the verdict," and his office was submitting relevant documents to the judge for a private review.

"There was no willful intent on my part to disclose this late," Lee told Muraca in court. ". . . I recognize that there was an error made by me."

The letter and attached records showed

moment we became aware of the document, we disclosed it to the court,” he said.

James McDermott, president of the union that represents Nassau police officers, said Dowsett is now retired from the police department after a decadeslong career.

“He’s a good cop and he’s made hundreds of good arrests and it’s unfortunate that his good name or work could ever be questioned,” he said.

A Nassau police spokesman didn’t immediately answer an inquiry Monday evening.

Rv Bridget Murnhy