

**LONG ISLAND CRIME****Police assault case ends with probation after tossed verdict**

Attorney Frederick K. Brewington has been calling for full disclosure of police officers' disciplinary records. Credit: Newsday/Steve Pfost

**By Bridget Murphy**

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A judge sentenced a 31-year-old woman to probation after tossing a verdict convicting her of assaulting police after Nassau prosecutors didn't disclose before a 2018 trial that a key police witness was disciplined years earlier for lying and conspiring with other officers to cover up a crash.

Jonita Martinez pleaded guilty to a misdemeanor charge of petit larceny in April as part of a plea deal in the case in which she also had faced two felony counts of assaulting a police officer and a misdemeanor resisting arrest charge.

On Monday, Nassau Supervising Judge Teresa Corrigan sentenced Martinez to two years of probation. It was a penalty the Nassau district attorney's office recommended in April after what the judge said had been "years' worth of conversations" with lawyers involved in the case.

Hempstead civil rights attorney Frederick K. Brewington, one of Martinez's lawyers, said the sentencing brought a conclusion to a very long and stressful time for his client.

"I think that this outcome really points to the need for full disclosure concerning police officers' disciplinary backgrounds and personnel information ... The fact that we learned about this after a trial was just totally unacceptable," he added.

Nassau district attorney's office spokesman Brendan Brosh declined to comment Thursday.

In June 2018, a jury convicted Martinez of all counts against her following her January 2017 arrest in Elmont. Nassau police alleged she attacked two officers after an officer stopped the car she was in based on the description of a vehicle linked to a larceny at a nearby CVS Pharmacy.

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The encounter turned violent when Martinez, then living in Roosevelt, hit an officer in the face as the officer bent to pick up a marijuana cigarette that police saw her drop, police said at the time. The cigarette turned out to be tobacco, court

records show.

Police said Martinez had kicked and flailed her arms, causing two officers to fall into a fence as they tried to arrest her. Injuries to the officers included a chipped elbow bone and chest pains, Nassau police said.

In July 2018, Martinez was facing up to seven years in prison on the top count of her conviction when acting State Supreme Court Justice Felice Muraca ordered her immediate release from jail.

That day, the district attorney's office had sent Muraca a letter saying prosecutors "mistakenly believed" records had been turned over to Brewington before the trial showing one of the officers involved in the case — Daniel Dowsett, now retired — pleaded guilty to internal police department charges after a 1997 incident.

Brosh told Newsday in 2018 his office's failure to turn over disclosure in Martinez's case was "an inadvertent error."

Court records showed Dowsett was docked five days of pay after department officials found he conspired with fellow officers to conceal another officer's auto accident by fabricating a story that blamed damage to a store window on a man said to be fleeing police.

But without that information being made available to the defense, Martinez's attorney couldn't use it when Dowsett testified at the trial.

Corrigan found when vacating Martinez's guilty verdict that the district attorney's office "placed a lot of weight on Dowsett's testimony," with his account used "almost exclusively" to prove the legality of police actions during the defendant's stop and arrest.

Nassau police union leader James McDermott on Thursday reiterated his past comments about Dowsett's service, calling him a good cop and saying it was unfortunate his reputation or work could ever be questioned.

Martinez began serving 3 years of probation after admitting to resisting arrest in a separate case after a November 2018 arrest at Nassau's jail. Her new term will be concurrent.

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