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District Attorney Recommendation - FUSL000139 (2012-09-10)

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Richard A. Brown
District Attorney

QUEENS COUNTY
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DIVISION OF PAROLE
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9-26-12
GREAT MEADOW CORR. FAC

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September 10, 2012

Kathy Everts, Agency Program Aide
Department of Corrections & Community Supervision
Great Meadows Correctional Facility
Box 51
Comstock, NY 12821

RE: [REDACTED]
DIN No.: [REDACTED]
NYSID: [REDACTED]
Ind No.: [REDACTED]

Dear Ms. Everts:

It has come to the attention of the Queens County District Attorney's Office that the defendant is to appear before the New York State Parole Board in November, 2012 for early parole release consideration. Due to the heinous brutality of the crime for which the defendant is convicted, the People respectfully request that the defendant be denied early parole release consideration and remain incarcerated for the entirety of his sentence, life imprisonment.

In the late 1980's, the crack plague raged in Queens County, New York. The events which led to the horrendous and cold-blooded murder of [REDACTED] began in 1988 when a resident of Queens County complained to the police about brazen and open crack cocaine sales outside his home by a 20-member drug gang, the [REDACTED], which was run by [REDACTED] and his underling [REDACTED]. The resident agreed to cooperate with the police and the Queens District Attorney's Office and twice had his home firebombed. As a result of these crimes and effective immediately after they occurred, the New York City Police Department placed the complainant's residence under 24 hour guard.

[REDACTED] furious with his recent conviction on gun charges decided he wanted to send a message to society, "We lose one, you lose one." [REDACTED] wanted a cop dead, not just any cop but a cop in uniform, a cop who sat alone at night guarding a witness. The

message was delivered by [REDACTED] to [REDACTED]. The defendant hired [REDACTED] drug players, part of the [REDACTED] co-defendants [REDACTED] to carry out the assassination. After the cop was dead they would receive \$8,000 to split amongst themselves.

On February 26, 1988 at [REDACTED] Queens County, New York, in the early morning hours rookie police officer, [REDACTED] a recent graduate of the New York City Police Department assigned to the 103rd Police Precinct was working the midnight tour. [REDACTED] just four days past his 22nd birthday, sat alone in his patrol car guarding the home of the witness. Blocking the police officer's view of the rear of the street was a "canine cage" inside of the patrol car. [REDACTED] could not see the beat up car approach in his rearview mirror and roll up toward the end of Inwood Street with his assassins inside.

During trial it was revealed that co-defendant [REDACTED] and his girlfriend drove past [REDACTED]'s vehicle earlier that night and stated "That cop is going to die tonight." According to statements made by the defendant's co-conspirators and trial testimony, as [REDACTED] sat alone in his patrol car, [REDACTED] approached the passenger side window in order to distract him and, at the same time, co-defendant [REDACTED] approached the driver's side window with a gun. With the gun inches from the officer's head, co-defendant [REDACTED] shot him 5 times in the head. According to the Medical Examiner at trial any of the 5 shots could have killed him. There were powder burns around some of the wounds proving that the officer was shot at close range.

The two co-defendants ran back to the car where co-defendant [REDACTED] waited. As co-defendant [REDACTED] drove, co-defendant [REDACTED] laughed and said to co-defendant [REDACTED] "You blew his brains out. One of the bullets came through the door. I seen the cops brains. His hair was flying like a blow dryer and I seen blood and saw fragments." Co-defendant [REDACTED] also stated he was leaning on the cops car laughing and made sure he did not put his fingers on the car to leave fingerprints. Co-defendant [REDACTED] laughed how each time the cop was shot his head would go up and then back down

On March 29, 1989, the defendant and co-defendants [REDACTED] were found guilty of Murder 2^o and other related charges for the execution death of [REDACTED]. After the verdict was read and defendant smiled and laughed. As he was being led back to the holding cell, a defiant [REDACTED] muttered "I'll be back." On May 16, 1989, the defendant was sentenced to a maximum term of 20 years to life. In addition, on June 6, 1989, during a separate trial co-defendant, [REDACTED] was found guilty of Murder 2^o and other related charges and sentenced to 25 years to life. [REDACTED] who ordered the execution was convicted in the United States District Court for the Eastern District of New York for his role in the murder of [REDACTED] and is currently serving his federal prison sentence of life imprisonment without parole.

In light of the sentence imposed for this vicious and cold-blooded execution style murder of [REDACTED] the District Attorney **strenuously** opposes any consideration for the release of this defendant. The defendant should serve the maximum term of the sentence imposed, life. The murder of [REDACTED] was a preconceived plan to assassinate a New York City Police Officer. For the safety and well being of law-abiding citizens the defendant should never be allowed to return to society again.

Very truly yours,

By: 

Charles A. Testagrossa

Executive Assistant District Attorney

CAT/jma