

2 Nassau cops may face probe

■ Cab driver cleared in clash in which he was shot

■ Off-duty officers were drunk, prosecutors say

BY ANDREW SMITH
AND ANDREW STRICKLER
andrew.smith@newsday.com
andrew.strickler@newsday.com

The Suffolk County District Attorney's office yesterday dropped charges against a Huntington Station cabdriver shot during a roadside confrontation with two off-duty Nassau police officers who prosecutors said had been drinking.

Nassau County acting police Commissioner Thomas Krumpeter "will probably" launch an internal affairs investigation into the incident, said spokesman Det. Lt. Kevin Smith.

"Before this, we didn't have any reason to believe that our officers' behavior differed from what was presented to us at the time," he said. No complaint was filed with the department, Smith said.

Nassau police union president James Carver declined to comment on the officers' actions or the probable internal affairs investigation.

The cabdriver, Thomas Moroughan, 26, had been charged with assaulting the officers in the Feb. 27 incident in Huntington. Moroughan will likely sue for damages, his lawyer said.

In dropping the case against Moroughan, Suffolk County Assistant District Attorney Raphael Pearl said his office wouldn't be able to prove the charges beyond a reasonable doubt, largely because the officers had been drinking beforehand.

"There was evidence the officers had been drinking, but not that they were legally intoxicated" (under drunken driving statutes), Pearl told District Court Judge Gaetan Lozito. "That impacts their credibility. It undermines the people's ability to obtain a conviction."

A law enforcement source said there were witnesses to

The latest

■ Suffolk prosecutors dropped charges of assaulting two off-duty Nassau police officers against cabdriver Thomas Moroughan.

■ Nassau police said its internal affairs unit "will probably" investigate the officers.

■ Moroughan's attorney said he'll likely file suit soon against Suffolk police for false arrest and the Nassau officers for shooting his client and breaking his nose.

■ Suffolk prosecutors said they would not seek charges against the Nassau officers.



PHOTO BY JAMES CARBONE

Charges were dropped against taxi driver Thomas Moroughan.

the officers' drinking. The officers refused to give blood and urine samples when they went to the hospital after the incident, Pearl said.

Pearl also said there was evidence Moroughan was trying to withdraw from the confrontation, not escalate it, before it turned violent.

In their account shortly after the incident occurred, Suffolk police said Nassau Officer Anthony DiLeonardo and another off-duty Nassau Third Precinct officer, who hasn't been identified, pulled over in separate vehicles on Oakwood Road near Stimson Middle School. Moroughan, apparently because of erratic driving by the officers, also pulled his taxi over.

According to that account, there was a brief argument by the roadside, and then Moroughan got into his cab and drove toward the officers. DiLeonardo fired at Moroughan, striking him in the chest and left arm, police said then. Identifying himself as a police officer, DiLeonardo said he tried to subdue Moroughan, losing his gun in the cab in a struggle.

As Moroughan pulled away, his cab struck the unidentified officer, police said then. Suffolk police arrested Moroughan at Huntington Hospital.

Moroughan's attorney, William Petrillo of Rockville Centre, thanked the Suffolk DA's office "for correcting the injustice done" to his client by the Nassau and Suffolk police.

"There was never a basis to have arrested him in the first place," Petrillo said, whose client hasn't described what happened that night.

The cops went on sick leave after the incident but returned to active duty, Nassau police spokesman Smith said.

District attorney's office spokesman Bob Clifford said Suffolk prosecutors will not pursue charges against the Nassau officers. Moroughan and his girlfriend, who was in his cab, have refused to testify before a Suffolk grand jury.

Given those circumstances, Petrillo said he had no objection to the Nassau officers not facing criminal charges. Petrillo said Moroughan now likely will sue Suffolk police for false arrest and DiLeonardo for shooting him and breaking his nose.

Suffolk Police Commissioner Richard Dormer cited the likelihood of a lawsuit in declining to comment.

Outside court, Moroughan said, "I'm glad I can move on with my life. It's just nice to know I don't have to worry."