

Officer Vincent LoGiudice not guilty of traffic stop assault

Police officer accused of Excessive Use of Force Acquitted of all charges following bench trial.

By Bridget Murphy - Newsday - December 11, 2015

A judge acquitted a Nassau County police officer of assault charges Friday, finding the force he used against an unarmed motorist in a Westbury traffic stop that was caught on video was justified.

While supporters of Officer Vincent LoGiudice applauded the verdict, backers of motorist Kyle Howell expressed silent outrage by exiting the Mineola courtroom with their arms raised in a symbol of protest.

LoGiudice, his expression stoic and his eyes briefly watering, left without speaking about the vindication 18 months after the police brutality indictment.

The officer had testified he felt a “rush of fear” after Howell dived across the car’s interior, reached under a seat as if grabbing for gun and then violently resisted arrest.

Howell, now 22, of Westbury, suffered multiple facial fractures and needed two surgeries after the April 25, 2014, encounter. He testified that he didn’t resist police.

“This verdict validates what we have said from day one, which is that the force that was used in this case was in fact reasonable, necessary and justified,” said LoGiudice’s attorney, William Petrillo.

But Howell’s family and a few dozen civil rights activists expressed disgust with a verdict that came amid heightened security in Nassau County Court. Joan Howell said her son was “disappointed, because we know that in Nassau County a black man cannot get justice when it comes to Nassau County police.”

Howell’s attorney, Amy Marion, was among a group who called for more police oversight and for federal authorities to prosecute the case before many left with their hands in the air, chanting, “Don’t shoot, don’t beat me.”

Acting state Supreme Court Justice Patricia Harrington said in delivering her not-guilty verdict on one felony and one misdemeanor that the “videotape alone does not give a clear picture of the events.”

“It only depicts part of the actions of the defendant, which when viewed alone are disturbing,” she said. “But the question in this case is what was happening in that motor vehicle — that cannot be seen from the perspective of that video camera.”

The judge, who had already dismissed another felony assault charge, pointed out Howell lied during a news conference by saying he had reached across the car to grab a paycheck so it

wouldn't fly away. Harrington said Howell had acknowledged while testifying that by diving across the car to actually grab a bag of marijuana and try to avoid a probation violation, police "might think he was reaching for a weapon."

Nassau police said they had started an administrative investigation of LoGiudice, who will stay on modified duty during that probe. The decorated officer, who is married and has a 1-year-old daughter, joined the police force in 2007 and was valedictorian of his academy class.

"Vinny's finally been vindicated," Nassau County Police Benevolent Association president James Carver said Friday.

Shams Tarek, a spokesman for acting District Attorney Madeline Singas, said: "Prosecutors presented the full breadth of the evidence and we accept the judge's verdict."

Prosecutor Bernadette Ford had argued LoGiudice wasn't justified in delivering at "at least 18 blows" to Howell, including punches and knee strikes to his face.

Howell, on probation for burglary at the time, has a federal lawsuit pending against the county, LoGiudice, and LoGiudice's partner, Officer Basil Gomez — who wasn't indicted.

Howell was arrested on charges including assaulting police, evidence tampering, resisting arrest and drug offenses. But Howell's family retrieved the video from a store's surveillance camera, prompting a misconduct probe and leading authorities to drop Howell's charges.

At trial, Howell testified LoGiudice started hitting him after he leaned over to get rid of the marijuana, and blacked out after LoGiudice punched him twice and kned him in the nose as Gomez straddled him.