



LOUIMA-CASE LAWYERS SPAR OVER JURY BRIEFING

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Last Updated

Posted: 12:00 AM, February 25, 2000

Prosecutors in the Abner Louima trial asked the judge yesterday to tell jurors they may convict the three accused cops of conspiracy -- even if they don't believe Charles Schwarz took part in the bathroom attack.

But defense lawyers cried foul, saying prosecutors are trying to change their strategy midstream.

Brooklyn federal Judge Eugene Nickerson's decision on how he'll charge the jury before they start deliberating sometime next week may affect whether the three accused cops go free or go to prison.

Schwarz, who maintains he's innocent, was convicted last year of restraining Louima on Aug. 9, 1997, while Officer Justin Volpe sodomized him with a broken broom handle in the 70th Precinct station house.

Now, Schwarz and Officers Thomas Bruder and Thomas Wiese are charged with lying to investigators to protect Schwarz.

At the conference yesterday, Assistant U.S. Attorney Alan Vinegrad asked Nickerson to tell the jurors when he charges them that they don't have to decide "what role, if any ... Schwarz played in the sexual assault."

Vinegrad said the jury should be told they have to decide only whether any of the cops "conspired to obstruct justice" to protect Schwarz -- saying that's all the law requires the jurors to do.

But defense lawyers Stuart London, Mark Freyberg and Peter Coddington said it's "unfair" -- and that since opening arguments, prosecutors have based their case on the theory that Schwarz took part in the brutality.

London, who represents Bruder, said Vinegrad's argument would mean that "Charles Schwarz can be nowhere near that bathroom and still be convicted."

The defense has argued throughout the case that if Schwarz wasn't in the bathroom, there couldn't have been a conspiracy to save him.

Schwarz faces life in prison on last year's conviction, and five years on the conspiracy charge.

Nickerson said he'll make a ruling before closing arguments begin Monday.

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