

June 2, 2011

Acquittal in D.W.I. Case That Was Test of Ticket-Fixing Issue

By [N. R. KLEINFELD](#)

A personal-injury lawyer was found not guilty of drunken driving on Thursday in a trial in which jurors rejected the testimony of two police officers who admitted to fixing tickets in unrelated cases.

The trial in State Supreme Court in the Bronx was one of the first to gauge the degree to which jurors care about the sweeping police [ticket-fixing scandal](#) that may involve as many as 300 officers.

The jury offered a mixed picture of how much weight the scandal carried in deciding the case. One of the jurors, Guadalupe Torres, 58, a city caseworker, said that some of the other jurors found the ticket-fixing revelations to be a significant problem in trusting the police officers and that they mattered to her too.

But she said that she and other jurors, who needed only 45 minutes to reach a verdict, were more influenced by what they felt to be insufficient evidence and persistent inconsistencies in the testimony of the officers. "There were a lot of things that weren't proved," she said. "There was a lot of stuff that was missing."

Another juror, Gifty Teye, 64, a home health aide, said, "They have to prove that he was drunk, and they didn't." She added that the ticket-fixing played a smaller role in her thinking, but said, "how can you trust such people?"

The defendant, Stephen Lopresti, 60, would have been disbarred had he been convicted, because of previous convictions for driving while intoxicated. He was arrested in December 2006 after colliding with another car on the Grand Concourse. He told the police that he had drunk four or five beers at a tavern near Yankee Stadium.

Among other things, Ms. Torres said that the jurors did not feel the Breathalyzer sample was sufficiently reliable and that neither a videotape of the defendant being tested nor the quantity of alcohol consumed persuaded them that he was drunk. "I drink a six pack, and I'm still walking straight," she said.

Both the arresting officer, Julissa Goris, and the officer who administered a Breathalyzer test, Harrington Marshall, had been caught on wiretaps discussing getting tickets fixed and testified during the trial that they had done so. The defense portrayed them as corrupt and untrustworthy.

"The message is clear," said Adam D. Perlmutter, one of the defense lawyers. "Corruption won't be tolerated in the Bronx or anywhere."

Ms. Torres said she and the other jurors felt that the two officers were "crooked" because they fixed tickets and suspected that they had had far more tickets fixed than the few they admitted to on the stand.

Mr. Lopresti's lawyers spent a good deal of their cross-examination of the officers last week trying to undermine their credibility because of inconsistencies in what they had said and done and because they had gotten tickets fixed for relatives and friends. Both of the officers minimized the significance of fixing tickets and repeatedly referred to the practice as a "professional courtesy" that officers extended.

The officers said they had been promised by the district attorney's office that they would not be prosecuted for their role in the ticket-fixing scandal.

Officer Goris testified that she had asked her union delegate for help to get a ticket that had been issued to her boyfriend's cousin erased. On another occasion, when her mother received a ticket, Officer Goris said, she went with her to court and spoke to a sergeant there, and her mother did not have to pay any fine.

Officer Marshall testified that he had solicited the help of a police union official to make two tickets of family members go away. He also said that officer asked him to help fix a ticket.

Because it has been so widespread, ticket-fixing is expected to infiltrate numerous unrelated cases in coming months. In another Bronx trial last month, Lance Williams was acquitted of attempted murder and weapons charges. One of the arresting officers admitted to fixing tickets, though conflicting statements were also at play and jurors did not single out ticket-fixing as the principal factor in their verdict.

A grand jury has been hearing evidence in a broad investigation into the age-old practice of ticket-fixing. The authorities anticipate that the inquiry could lead to criminal charges against perhaps two dozen officers and disciplinary action against hundreds.

May 23, 2011

In Testimony, an Officer Admits She Fixed Tickets

By C. J. HUGHES

Details of a ticket-fixing scandal involving Bronx police officers were spelled out for a jury on Monday, though they were revealed as part of an old, unrelated drunken-driving case.

In Bronx Supreme Court, a police officer, Julissa Goris, admitted that she had once fixed two tickets for her mother and her boyfriend's cousin. The testimony came in the trial of Stephen Lopresti, a personal injury lawyer who was charged with driving under the influence after he smashed his Oldsmobile into another car on the Grand Concourse following a holiday party in December 2006.

Prosecutors called Officer Goris to testify because she was the officer who arrested Mr. Lopresti after noticing that he appeared intoxicated after getting out of his car.

The admission about the ticket-fixing came in response to questions from the prosecutors, who seemed to want to address the issue right away to neutralize it before defense lawyers question Officer Goris on Tuesday. The defense claims that she is not credible because of her ticket-fixing.

Allyson Kohlmann, an assistant district attorney, asked Officer Goris if she knew it was against the rules to fix tickets. "Yes," the officer said matter-of-factly, without elaborating. She also said the district attorney's office had told her she would not be prosecuted for her role in the ticket-fixing scandal.

Authorities who are investigating the ticket-fixing had earlier learned of Officer Goris's involvement from wiretaps. She had already spoken of her role during a pretrial hearing in the drunken-driving case, which is being heard before Justice James J. Kindler.

In his opening remarks, [Adam D. Perlmutter](#), a defense lawyer, revealed the gist of his strategy: to use the ticket-fixing to attack the credibility of the officers who handled Mr. Lopresti's case.

"You are going to hear from officers who are corrupt officers," Mr. Perlmutter said. "The rules that apply to us don't apply to them."

On Monday, the jury also got its first look at Harrington Marshall, another police officer who has been caught on wiretaps discussing ticket-fixing. Officer Marshall did not take the stand, though he is expected to later in the trial.

Instead, he appeared on a video shot in a Bronx station house on the night in 2006 when Mr. Lopresti was arrested. Mr. Lopresti was taken there for his Breathalyzer test, which Officer Marshall administered. The 20-minute video, which was shown to the court in its entirety over the objections of defense lawyers, depicted Mr. Lopresti failing after four tries to blow into the Breathalyzer machine properly.