

The Wrong Man

By HOWARD BLUM

Norman Brown was the wrong man. He spent nine months in a cell on Riker's Island, nine months without even being indicted by the grand jury, before the Brooklyn District Attorney's office realized they had arrested the wrong man. Lawrence Torres, arrested with Brown that night, was not as lucky. He died in his cell on Palm Sunday of complications from a gunshot wound in the head he received last August when he was apprehended by the police. He died at 19 after eight months in jail. At the time of his death, he had not been indicted for any crime.

A two-inch box in The Times described a shoot-out in a Bedford-Stuyvesant playground. According to the police report, two plainclothes patrolmen observed a narcotics transaction in P.S. 3. They entered the park, identified themselves as police officers, and were immediately fired upon, point blank, by Norman Brown. The officers returned the fire and in the gun battle that followed five innocent bystanders, including a pregnant woman, were wounded. Norman Brown and Lawrence Torres, both also wounded, were apprehended and charged with attempted murder. No narcotics were recovered.

The police version of the incident seemed possible, and, therefore, was accepted by the district attorney's office and the press. Guns and junkies are not extraordinary in the ghetto; perhaps it is the nonchalance with which they are accepted and even expected that is so awful and extraordinary. Yet, the police's actions that night, even if their story was correct, did seem at best impetuous. Would the police have chanced a gun battle in a crowded playground in Riverdale? And if five innocent bystanders were wounded in a Riverdale playground, would the incident have been dismissed in one paragraph?

Conversations with witnesses to the shootout, however, resulted in a story that differed from the police version. Everyone of the more than a dozen witnesses interviewed independently corroborated basically the same story. According to these accounts, two men in plainclothes entered the playground with their revolvers drawn. They approached a group of dice players and grabbed one of the boys, sticking a revolver into his side and warning, "If anybody moves, I'll blow his brains out." Every witness questioned denies that at any point the men identified themselves as police officers. Most thought they were take-off men; that is, men who

steal a junkie's dope and then resell it. Suddenly shooting began. A woman screamed, "Save my baby, save my baby!" Another cried, "Call the police!"

The officers, still without identifying themselves, returned the fire. According to every witness questioned, Norman Brown was not firing a gun. He was, in fact, shot in the leg while attempting to shield his girlfriend.

The Brooklyn District Attorney's office was informed of these eyewitness accounts of Brown's innocence. It promised to investigate. Eight months later it was still "investigating." Brown had not even been brought before the grand jury. Torres had died in jail.

How did Brown's lawyer allow him to spend nine months in jail without being indicted? Brooklyn Legal Aid had simply forgotten they were Brown's attorney. A mistake, they admitted. Perhaps a lost file, someone suggested. And the district attorney, what had his investigation uncovered? Nothing; an assistant D.A. claimed that none of the witnesses could be located. Later that afternoon a drive to the playground where four of the witnesses were playing basketball proved the D.A. to be, at best, incompetent. Another D.A. suggested that I serve the subpoenas. "Besides," he concluded, "I'm not allowed to carry a gun so I'm not going into Bedford-Stuyvesant to look for anybody."

Finally after nine months of keeping Norman Brown imprisoned for a crime he did not commit, the district attorney's office decided to act. D.A. Silverman assigned two competent detectives to round up the witnesses. Legal Aid attorney Ruth Moskowitz filed a writ of *habeas corpus* and the case was brought before the grand jury. The Grand Jury refused to indict. It took the district attorney's office nine months to realize what it had been told one week after the arrest: Norman Brown was the wrong man.

Norman Brown, though, was more than just the wrong man. He was the victim of the true wrong men—the wrong police, the wrong district attorneys, and the wrong lawyers. Perhaps, much worse, Brown was even the victim of the wrong judicial system, a system where guilt becomes a self-fulfilling prophecy, where investigation becomes affirmation, and where detention becomes imprisonment.

Last year the Brooklyn District Attorney's office handled 4,495 indictments. One wonders about those cases, too.

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