

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
98 CR 196(S-3)
-against- : United States Courthouse
Brooklyn, New York
JUSTIN VOLPE,
THOMAS BRUDER,
CHARLES SCHWARZ,
THOMAS WIESE,
MICHAEL BELLOMO,
Defendants.
: May 4, 1999
10:15 o'clock a.m.
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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE EUGENE H. NICKERSON
UNITED STATES DISTRICT JUDGE, and a jury

APPEARANCES:

For the Plaintiff: ZACHARY W. CARTER
United States Attorney
BY: LORETTA LYNCH
ALAN VINEGRAD
KENNETH THOMPSON
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Attorneys for Justin Volpe
STUART LONDON, ESQ.
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Attorneys for Thomas Bruder
STEPHEN WORTH, ESQ.
Attorney for Charles Schwarz

1 THE CLERK: Case on trial, United States against
2 Justin Volpe, Thomas Bruder, Charles Schwarz, Thomas Wiese,
3 Michael Bellomo.

4 THE COURT: Good morning. Please be seated.

5 Would you ask the jury to join us. Pleads rise when
6 the jury comes in or out.

7 (Pause.)

8 THE CLERK: All rise.

9 (The jury is in the jury box.)

10 THE COURT: Please be seated.

11 Good morning members of the jury.

12 We are starting a little late but tomorrow we will
13 all be on time.

14 We are now ready to begin the trial of this criminal
15 case. You heard something about it during the process of jury
16 selection, and before the trial starts I am going to say a few
17 things to you that may help you understand what will be
18 presented to you and how you should conduct yourselves during
19 the trial.

20 Let me first tell you what our schedule is going to
21 be. I sit with the jury from 9:30 to 5:00, Monday through
22 Thursday.

23 I take two recesses, one in the morning and one in
24 the afternoon.

25 You will be here listening to evidence Monday through

1 If at times I ask questions of the witnesses, it's
2 for the purpose of bringing something out that I feel should
3 be brought out for your consideration, and not in any way to
4 suggest an opinion about the facts or to suggest what weight
5 you should give to the testimony of a witness.

6 Now, don't discuss the case among yourselves or with
7 anyone else. Keep an open mind. Reach your conclusions only
8 during your final deliberations, after all the evidence is in
9 and you have heard the attorneys' final argument and my
10 instruction as to the law, and then only after you have had an
11 interchange of views with your fellow jurors.

12 Don't permit any other person to discuss the case in
13 your presence. If someone does so though you tell that person
14 not to, report that fact to me, but don't discuss it with your
15 fellow jurors, either that fact or any other fact that you
16 feel necessary to bring to my attention.

17 Now, the six of you who have been chosen as alternate
18 jurors should listen just as carefully and conscientiously as
19 all of the other jurors. In case a juror becomes sick or
20 otherwise incapacitated, you may very well be called upon
21 before the end of the trial to render a verdict. So be
22 ready. You may have to render a verdict, so you must pay
23 strict attention at all times to everything that goes on in
24 the courtroom.

25 I think that's enough from me. And now we will hear

1 the opening statement of the government. Mr. Thomson.

2 MR. THOMPSON: May it please the court, counsel,
3 ladies and gentlemen of the jury. Good morning.

4 Two summers ago a man named Abner Louima was brutally
5 beaten right here in Brooklyn. The attacks on Mr. Louima
6 began about shortly after 4 o'clock in the morning. Mr.
7 Louima was beaten on the streets of Brooklyn by four men who
8 punched and kicked him all over his body. And Mr. Louima was
9 also beaten by two of those same men at a different location.

10 And less than an hour later, Abner Louima was taken
11 into a back room and beaten a third time. That third beating
12 was far more vicious than the first two beatings. And that's
13 because inside that bathroom, Abner Louima suffered more than
14 just a beating. Ladies and gentlemen, Abner Louima was
15 tortured in that bathroom, and his torture was cruel and it
16 was simply inhumane.

17 Now, after he was beaten and tortured, Abner Louima
18 didn't call the police and tell the police what had happened
19 to him. He didn't tell the police how he was beaten twice on
20 the street. He didn't tell the police how he was taken into a
21 bathroom and beaten a third time. Or about his torture.

22 Now, why didn't he tell the police? He didn't tell
23 the police because the men who beat him, the men who tortured
24 him, were the police: uniformed police officers of The City
25 of New York.

Opening/Thompson

1 But Abner Louima wasn't the only victim that night.
2 He wasn't the only person to have his civil rights violated by
3 police officers. Another man, named Patrick Antoine, also
4 became a victim. Mr. Antoine was attacked on the streets of
5 Brooklyn that same night as well. And one of the officers who
6 beat and tortured Abner Louima also attacked Patrick Antoine.
7 And to cover up that attack, that police officer, with the
8 help of his boss, a New York City police sergeant, falsely
9 arrested Patrick Antoine on trumped-up charges. You see, they
10 didn't want anyone to know that an innocent man had been
11 unjustly beaten.

12 Ladies and gentlemen, the man who violently attacked
13 Abner Louima, the man who violated Abner Louima's civil rights
14 and violated his body, the man who tortured Abner Louima by
15 shoving a wooden stick up his rectum, literally tearing his
16 insides apart, is that man right there, in the black suit and
17 yellow tie, the defendant Justin Volpe. He's also the officer
18 who unjustly attacked Patrick Antoine and then falsely
19 arrested Patrick Antoine.

20 But Justin Volpe didn't brutalize Abner Louima
21 alone. And he did not torture him alone. No, he had help.
22 Another man who violated Abner Louima's civil rights, a man
23 who beat Abner Louima, a man who helped Justin Volpe torture
24 Abner Louima, a man who held Abner Louima down while he was
25 being tortured and why he cried out in pain, is that man right

Opening/Thompson

1 there: the defendant Charles Schwarz, in the blue suit and
2 grey tie.

3 Charles Schwarz had a partner that night, and his
4 partner helped him arrest Abner Louima. And after that, the
5 two of them beat Mr. Louima at two different locations. The
6 man who beat Mr. Louima twice, in his very own police car, is
7 that man right there: the defendant Thomas Wiese, the man in
8 the green suit and glasses.

9 The fourth man to beat Abner Louima, the fourth man
10 to violate his civil rights, the fourth man to beat him while
11 on duty and in uniform, is that man right there: the
12 defendant Thomas Bruder, with the blue suit and yellow tie,
13 Thomas Bruder, who beat Abner Louima with Justin Volpe,
14 Charles Schwarz and Thomas Wiese.

15 And finally, the man who was in charge of them all,
16 the man who was their sergeant, the man who used his authority
17 as a police sergeant to falsely arrest -- to cover up Justin
18 Volpe's assault on Patrick Antoine, is that man right there:
19 the defendant Michael Bellomo, the man in the blue suit at the
20 end of this table.

21 But Michael Bellomo did more than just help Justin
22 Volpe cover up the assault on Patrick Antoine. Michael
23 Bellomo also tried to help all the other defendants avoid
24 getting arrested and prosecuted by federal officials for their
25 attack of Mr. Louima in the police car that night.

Opening/Thompson

1 And Michael Bellomo told other lies. He also lied
2 about Patrick Antoine and I'll tell you about those lies.

3 Now let me take a moment and introduce myself and my
4 colleagues. My name is Kenneth Thomson, and I'm an Assistant
5 United States Attorney here in Brooklyn. With me at counsel
6 table are my colleagues. This is Alan Vinegrad. And this is
7 Loretta Lynch. They're both Assistant United States Attorneys
8 as well. And together we have the honor and the privilege to
9 represent the United States at this trial.

10 Also sitting at our table is Special Agent Joseph
11 Foelsch of the FBI. He is the agent who's in charge of this
12 whole case. And sitting next to him is Kelly Flanagan. She's
13 a paralegal in the US Attorneys office. She's going to be
14 helping us throughout this trial.

15 Now, what is this trial all about? This trial is
16 about an escalation of violence. Violence committed by four
17 police officers from the 70th Precinct here in Brooklyn.
18 Police officers who had taken an oath to serve, an oath to
19 protect, and an oath to uphold the law. It is about the
20 violation of the civil rights of Abner Louima and Patrick
21 Antoine, two men who were beaten and assaulted, two men who
22 didn't know each other before that fateful night, but who
23 became linked together through an escalation of violence;
24 violence commit under color of law.

25 And this trial, ladies and gentlemen, is about

Opening/Thompson

1 torture: the torture of a badly beaten and helpless man by
2 two New York City police officers, by Justin Volpe and Charles
3 Schwarz.

4 Make no mistake about it, this trial is not about a
5 life-and-death decision made within a few split seconds. It
6 is not about white versus black or about the New York City
7 Police Department. No. This trial -- and it's also not about
8 how many awards any of the defendants might have received from
9 some of their police work.

10 This trial is about an escalation of violence that
11 began on the streets of Brooklyn and ended on the floor of the
12 bathroom of the 70th Precinct. Justin Volpe, Charles Schwarz,
13 Thomas Bruder and Thomas Wiese were the perpetrators of that
14 violence. Abner Louima and Patrick Antoine were the victims
15 of that violence. And Michael Bellomo, Sergeant Michael
16 Bellomo, tried to cover up that violence.

17 Now, in order for you to understand why Abner Louima
18 was beaten and tortured and why Patrick Antoine was also
19 unjustly attacked and falsely arrested, you first have to
20 understand what led to the beatings, what led to the torture,
21 what led to the crimes charged in this case. Let me now take
22 a moment to tell you about the evidence, about the events that
23 have brought us all here today.

24 At about 4 o'clock in the morning on Saturday, August
25 9, 1997, a group of people were coming out of the Club

Opening/Thompson

1 Rendezvous, which a nightclub here in Brooklyn on Flatbush
2 Avenue. The people who were coming out of the club had went
3 there to see a performance by a musical group called the
4 Phantoms. The phantoms are a popular Haitian band.

5 As the group, the crowd of people were coming out of
6 the club, a fight broke out between two women. And those
7 women really were going at it. They were swinging at each
8 other. They were pulling at each other's clothing. And the
9 crowd, crowd of people, ran out to get a glimpse of that
10 fight, and many of the people spilled out into the street.
11 And they began to block traffic. There were too many people
12 in the street and too many double-parked cars.

13 The defendant Michael Bellomo was the patrol sergeant
14 from the 70th Precinct that night, and he was near the Club
15 Rendezvous with his driver and he saw the fight and he saw the
16 crowd growing and blocking traffic. So Michael Bellomo called
17 over the radio for assistance. He needed more police officers
18 to come and help control the crowd.

19 So, many police officers from the 70th Precinct who
20 worked the midnight tour heard the call for assistance and
21 rushed to the scene in their patrol cars. The defendants
22 Charles Schwarz and Thomas Wiese were partners that night.
23 They arrived on the scene in their car. And the defendants
24 Justin Volpe and Thomas Bruder were also partners, and they
25 arrived in another car. And so did other police officers.

Opening/Thompson

1 Now, by the time many of those officers got to the
2 scene, the fight between the two women had ended. But there
3 was still crowd of people, still on Flatbush Avenue, blocking
4 traffic. So the police officers told people get out of the
5 street, to move their cars, to go home, so traffic could be
6 cleared. But some of the people in the crowd had already
7 become, began to become rowdy. Some were loud and some even
8 started to throw bottles.

9 Five blocks away from the Club Rendezvous, Patrick
10 Antoine was having a good time with his friend. He was inside
11 his friend's apartment, watching TV, listening to music,
12 talking. Mr. Antoine had no idea about the events that were
13 happening in front of the Club Rendezvous. He had no idea
14 that the events back there would cause him to get swept up in
15 an escalation of violence; cause him to be beaten and falsely
16 arrested less than an hour later. So Patrick Antoine
17 continued to hang out with his friend, oblivious to what was
18 going on just five blocks away.

19 Back at the club, the officers were trying to get the
20 crowd to clear the area. One of those police officers, the
21 defendant Justin Volpe, got into a confrontation with somebody
22 in the crowd. He got into a confrontation with an off-duty
23 New York City police officer. I'm sorry, an off-duty New York
24 City corrections officer. That correction officer was in
25 front of the club and actually was trying to leave the area at

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1 the time. And as he tried to walk by Justin Volpe, Justin
2 Volpe pushed him back and caused the man to stumble back.

3 Now, the corrections officer pulled out his
4 corrections badge and showed it to Justin Volpe. He wanted
5 him to know that he was a law enforcement officer, too. But
6 Justin Volpe didn't care about that. He slapped the badge out
7 of the man's hand and knocked the man down to the ground in
8 front of a crowd of people in front of the Club Rendezvous.

9 Ladies and gentlemen, Abner Louima was in that crowd
10 in front of the nightclub. He had gone to the Club Rendezvous
11 with his brother Jonas, his cousin Jay, and with two other
12 friends. And he had learned that someone was hurt, someone in
13 the crowd was hurt, by a police officer. And Abner Louima
14 spoke out. He spoke out against something he thought was
15 wrong, that a police officer had injured someone in the
16 crowd. And he became angry and he spoke out in a loud voice
17 to a group of police officers who were near him. And after he
18 spoke out, someone said: shut up. And then he was hit and
19 knocked to the ground.

20 Now, Abner Louima's cousin Jay was not too far away,
21 watching his cousin be assaulted by a police officer. And Jay
22 also became angry. He became angry because he felt that his
23 cousin didn't do anything wrong to be treated like that. And
24 so Jay approached a police officer whom he thought had
25 assaulted his cousin -- and Jay was wearing the same type of

Opening/Thompson

1 clothing as Abner Louima -- and Jay reached back and he
2 punched that police officer on the side of his face with so
3 much force that it knocked the police officer down to the
4 ground.

5 Ladies and gentlemen, that police officer was Justin
6 Volpe. And when Jay threw that blow, it was more than just an
7 assault on Justin Volpe. It was an assault on an uniformed
8 police officer on duty and it was an assault on the rule of
9 law. And there would be a price to be paid for that assault.
10 Because the evidence will show that when someone hurt Justin
11 Volpe, he believed in hurting them back.

12 And when Justin Volpe got up from the ground, things
13 would never be the same for Abner Louima, for Patrick Antoine,
14 and for all the defendants in this courtroom, because Justin
15 Volpe had been hit and he was furious and he wanted revenge.

16 Now, after Jay assaulted Justin Volpe, he ran from
17 the scene like he was running for his life. He ran up
18 Flatbush Avenue to Farragut Road. And then he ran down a side
19 street. And he was running as fast as he could.

20 Now, a group of police officers who saw him hit
21 Justin Volpe chased after him. The defendant Michael Bellomo
22 chased after him. Justin Volpe chased after him. Thomas
23 Bruder chased after him. And other officers.

24 Now, Jay was running as fast as he could. And he ran
25 towards Glenwood Road. Glenwood Road is a street about a

Opening/Thompson

1 block away from the nightclub. And the police officers were
2 behind him, chasing after him, but they were about a block
3 away. So Jay ran down some more streets, and then he stopped
4 running and he hid in the driveway of someone's home. Out of
5 view. And he was never caught.

6 Now, Michael Bellomo, while he was running after Jay,
7 he ran -- Michael Bellomo ran to Glenwood Road and Nostrand
8 Avenue. And when he got to that location, he called over the
9 radio for other officers to respond there as well. And
10 officers heard the call and ran to Glenwood Road and Nostrand
11 Avenue. One of these police officers who heard the call was
12 Justin Volpe: still angry that he had been knocked down in
13 front of a crowd of people in front of the Club Rendezvous.
14 And Justin Volpe responded to the scene as well.

15 Now, at that same time, Patrick Antoine had just left
16 his friend's apartment. And he was walking on Glenwood Road.
17 He was alone. He was minding his own business. And he was on
18 his way home. With each step Mr. Antoine took, he thought he
19 was getting closer to his home. He didn't realize that he was
20 actually getting closer to becoming a victim of Justin Volpe's
21 rage, because Justin Volpe was heading in his direction,
22 furious and still seeking revenge.

23 So as Patrick Antoine walked on Glenwood Road, he saw
24 a group of uniformed police officers running by him and
25 towards Nostrand Avenue. But Patrick Antoine didn't know what

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1 was going on. He didn't know what all the commotion was
2 about. All he knew is that he was leaving his friend's home
3 and on his way to his own home.

4 But he would never get there. Not that morning.
5 Because Justin Volpe, when Justin Volpe got to Glenwood Road,
6 he saw Patrick Antoine walking in front of him, alone, and
7 Justin Volpe approached Patrick Antoine from behind and he
8 yelled and cursed at him. Patrick Antoine, when he heard
9 someone yelling and cursing, turned around to see what was
10 going on. And the moment he turned his head, Justin Volpe
11 began to attack him. Justin Volpe punched Patrick Antoine
12 right in his face. Punched him right over his left eye. And
13 Patrick Antoine was hurt. He was dazed. And he was bleeding
14 from a cut over his left eye: a cut that Justin Volpe
15 inflicted with his fist. Patrick Antoine, all he could do was
16 to cover up. But Justin Volpe continued to assault him.

17 Patrick Antoine didn't know what was going on. He
18 didn't even know who was beating him. And Michael Bellomo,
19 Sergeant Michael Bellomo, was standing just down the block,
20 and he saw Justin Volpe unjustly attack Patrick Antoine.
21 Other officers then helped Justin Volpe subdue and arrest
22 Patrick Antoine. And Michael Bellomo, the supervisor on the
23 scene, told two officers from the 70th Precinct to take Mr.
24 Antoine away from the scene, which they did. And after Mr.
25 Antoine was taken away, Justin Volpe and other officers made

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1 their way back to the Club Rendezvous. But when they got
2 there, the crowds of people were all gone. And Abner Louima
3 was gone as well.

4 You see, Abner Louima had been arrested earlier in
5 front of the club. And he was put into Charles Schwarz and
6 Thomas Wiese's police car, and they drove away from the
7 scene. Charles Schwarz was the driver and Thomas Wiese was
8 the passenger. And as they drove away, they thought that
9 Abner Louima was the man who dared to assault a uniformed
10 police officer on duty. They thought that Abner Louima was
11 the person who had punched Justin Volpe and knocked Justin
12 Volpe down in front of the club.

13 So they didn't take Abner Louima directly to the 70th
14 Precinct, as you might expect. No. They stopped their police
15 car twice and each beat Abner Louima. Charles Schwarz and
16 Thomas Wiese beat Abner Louima and allowed other officers,
17 Justin Volpe and Thomas Bruder, to beat him as well; to beat
18 the man who was in their care and in their custody, all while
19 Abner Louima's hands were literally tied behind his back.

20 And after they finished beating Mr. Louima, they beat
21 him in that car, and by punishing Abner Louima for an assault
22 that he did not commit, Justin Volpe, Charles Schwarz, Thomas
23 Wiese, and Thomas Bruder trampled on the law that they had all
24 sworn to uphold.

25 And after they finished beating him, Mr. Louima was

Opening/Thompson

1 hurt and he was bloodied. Blood was all over the back seat of
2 the cars. Then, only then, did Charles Schwarz and Thomas
3 Wiese take Mr. Louima to the 70th Precinct to be
4 fingerprinted, to be processed, to await the orderly
5 disposition of his case; a man who they had a sworn duty to
6 protect but a man who they had just beaten.

7 And when they got to the 70th Precinct, Charles
8 Schwarz and Thomas Wiese took Mr. Louima inside the precinct.
9 They walked him to the front desk where prisoners are searched
10 and processed. And Patrick Antoine was also brought into the
11 70th Precinct and taken to the same front desk, by other
12 officers. And there were Patrick Antoine and Abner Louima,
13 two men who didn't know each other before that night, both
14 standing at the front desk, handcuffed behind their back,
15 bleeding and injured.

16 (Continued on the following page.)

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Opening - Govenment/Thompson

1 The desk sergeant saw that they were injured. He
2 directed an officer at the 70th Precinct to call for emergency
3 medical services, for EMS, to come to the precinct to treat
4 Patrick Antoine and Abner Louima for their injuries.

5 But Justin Volpe and Charles Schwarz had other
6 plans. They weren't finished with Abner Louima just yet. The
7 worst was about to come. While at the front desk
8 Charles Schwarz took Mr. Louima's property out of his pockets,
9 searched Mr. Louima. He then took off Mr. Louima's belt.
10 When he took off Abner Louima's belt, Abner Louima's pants
11 dropped down to his knees, and Abner Louima had to stand at
12 that front desk with his pants down to his knees, humiliated.

13 Then Charles Schwarz began to walk Mr. Louima away
14 from the front desk. As he walked Mr. Louima away from the
15 front desk, Mr. Louima had to shuffle his feet because his
16 pants were down to his knees and he couldn't pull up his
17 pants. So Charles Schwarz walked Mr. Louima to the back of
18 the precinct towards the cell area, but he did not walk
19 Mr. Louima into the cell area. No. He took Mr. Louima past
20 the cell area and he walked him down the hallway into a
21 bathroom.

22 Ladies and gentlemen, that decision by Charles
23 Schwarz, the decision to take Abner Louima to that bathroom,
24 changed Abner Louima's life forever. Because Charles Schwarz
25 took Abner Louima to a place where he would experience a whole

Opening - Government/Thompson

1 new level of humiliation, a whole new level of violence, a
2 whole new level of pain.

3 Charles Schwarz took Abner Louima to a bathroom on
4 the first floor. When they got into the bathroom, as soon as
5 they stepped into the bathroom, Justin Volpe stepped behind
6 him, still angry, still seeking violent revenge. And then
7 Justin Volpe and Charles Schwarz began to inflict their own
8 special brand of punishment, their own special brand of
9 brutality, their own special brand of torture. Justin Volpe
10 pushed Mr. Louima down to the floor of the bathroom and
11 Abner Louima's face ended up next to a filthy toilet bowl.
12 There was Abner Louima, lying there, handcuffed behind his
13 back, pants down to his knees.

14 He was literally at the feet and at the mercy of
15 Justin Volpe and Charles Schwarz, two New York City police
16 officers who had the duty to protect people of the City of New
17 York. But they didn't care about any of that. All they
18 wanted to do is to punish Abner Louima for an assault on a
19 uniformed police officer, to punish Abner Louima for an
20 assault on the rule of law, and then Justin Volpe told
21 Mr. Louima, "If you make any noise, we will kill you." And
22 then Charles Schwarz and Justin Volpe began kicking and
23 punching Abner Louima as he was lying on the floor, handcuffed
24 behind his back.

25 After they finished beating him, they began to

Opening - Government/Thompson

1 humiliate him and to torture him. Justin Volpe grabbed a
2 wooden stick and he bent down with that stick.
3 Charles Schwarz held onto Mr. Louima to make sure he wouldn't
4 move. Then Justin Volpe took that stick and shoved it up
5 Abner Louima's rectum with so much force that the stick ripped
6 Mr. Louima's rectum and ruptured his bladder. Then Justin
7 Volpe pulled the stick out of Mr. Louima, and Abner Louima was
8 crying out in pain as Charles Schwarz held onto him.

9 Then when Justin Volpe pulled out the stick, it had
10 blood and feces on it. Then Justin Volpe took that stick and
11 he put it up to Abner Louima's mouth. He wanted Abner Louima
12 to see what he and Charles Schwarz had just done to him. He
13 wanted Mr. Louima to see the blood and the feces that he just
14 pulled out of him.

15 And as you can imagine, Abner Louima was crying, and
16 he looked at that stick. But that wasn't enough. Justin
17 Volpe then told him, "This is your shit." Then he shoved that
18 stick in his mouth, and Charles Schwarz was standing right
19 there.

20 After they finished doing that to Mr. Louima and
21 before they left the bathroom, Justin Volpe terrorized
22 Abner Louima one more time. The instrument of his terror were
23 his words. He told Abner Louima that if he ever told anyone,
24 if he ever uttered a word about what he and Charles Schwarz
25 had done to him, he would kill Abner Louima and his entire

Opening - Govenment/Thompson

1 family.

2 Now, Abner Louima was a father and a husband. He had
3 a wife and a baby at home and a six-year old daughter in
4 Haiti. So Justin Volpe's words were truly frightening to
5 him.

6 Justin Volpe threatened to murder Abner Louima and
7 his family because he thought that by doing that
8 Abner Louima's torture would remain a secret in that bathroom;
9 that it would remain locked deep down in Charles Schwarz,
10 locked deep down in Abner Louima, locked deep down in
11 himself. He thought that no one would ever find out; that the
12 world would never know.

13 But Justin Volpe was wrong.

14 After Justin Volpe threatened Mr. Louima,
15 Charles Schwarz and Justin Volpe walked Abner Louima out of
16 the bathroom. Then Justin Volpe took Mr. Louima himself to
17 the cell area.

18 When he took Mr. Louima to the cell area,
19 Abner Louima's hands were still handcuffed behind his back,
20 his pants were still down to his knees. Justin Volpe walked
21 into the cell area with him, opened the door of one of the
22 cells, pushed Mr. Louima inside, closed the door and walked
23 away, leaving Abner Louima lying on the floor.

24 Abner Louima went down to the floor of the cell
25 handcuffed behind his back, pants down, and he laid down on

Opening - Govenment/Thompson

1 that floor humiliated, beaten, with a torn rectum and a torn
2 bladder.

3 At some point because of the torture, the sodomy of
4 Abner Louima by Justin Volpe and Charles Schwarz, Abner Louima
5 was on the floor of the cell moaning because he was in pain.
6 He also had feces all in his pants and in his underwear. The
7 smell of feces began to spread throughout the cell area. The
8 smell was so bad that a prisoner who was in Mr. Louima's cell
9 asked to be taken out of the cell because he couldn't take
10 that smell. Abner Louima was on the floor in pain.

11 At some point the defendant Thomas Bruder entered the
12 cell area. Thomas Bruder opened up Mr. Louima's cell. He
13 took off Mr. Louima's handcuffs and told him to pull up his
14 pants. At that point Abner Louima asked Thomas Bruder to go
15 to the bathroom to get his shoe. He didn't have one of his
16 shoes on him at the time. And Thomas Bruder went to the
17 bathroom, got his shoe and gave it to him.

18 Abner Louima eventually asked to go to the hospital
19 because he was in pain. He didn't know that the desk sergeant
20 had already called, already directed someone to call for EMS,
21 but it took a long time for EMS to get to the precinct, over
22 an hour for the ambulance to arrive.

23 When the ambulance people did arrive, they went into
24 the cell area and they took Mr. Louima out of the cell and
25 they put him on a chair. When Justin Volpe went into that

Opening - Govenment/Thompson

1 cell area and saw Mr. Louima sitting on that chair, he became
2 angry and he pulled the chair from Abner Louima and put him
3 back in the cell.

4 But, ladies and gentlemen, Justin Volpe did more than
5 that. Before Abner Louima and Patrick Antoine were taken to
6 the hospital, Justin Volpe approached Abner Louima one more
7 time. He told Abner Louima, "Look me in the eyes," and he
8 threatened to murder Abner Louima again. He told
9 Abner Louima, "If you tell anyone what happened to you in that
10 bathroom, I will kill you and I will kill your entire family."

11 Justin Volpe knew, he knew he couldn't let anyone
12 find out what had been done to Abner Louima, so he threatened
13 him one last time.

14 Then Abner Louima was taken to Coney Island
15 Hospital.

16 It didn't take too long for the doctors and nurses
17 there to discover the horrible injuries that had been
18 inflicted upon Mr. Louima by the police, that the stick tore
19 Mr. Louima's rectum and tore his bladder, causing his feces to
20 mix with his urine and propelling Abner Louima to the
21 operating table for emergency surgery before the end of the
22 day.

23 Now, when law enforcement officials in this city
24 learned about the assault and the sodomy of Abner Louima, they
25 began an investigation to find out what happened. The FBI

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1 joined in that investigation early on.

2 In October 1997, FBI agents interviewed the
3 defendant, Michael Bellomo. They wanted to interview the
4 patrol sergeant on duty that night. They wanted to hear from
5 the supervisor, the person who was in charge of the scene.
6 Michael Bellomo met with them. Michael Bellomo looked those
7 agents directly in their eyes and he lied to them right there
8 at that meeting. Now what did he lie about?

9 Michael Bellomo lied about Patrick Antoine, to start
10 with. He said that on the morning that Patrick Antoine and
11 Abner Louima were arrested, he was on Glenwood Road and
12 Nostrand Avenue and that he saw Patrick Antoine running behind
13 Justin Volpe and charging into Justin Volpe.

14 Patrick Antoine, who had just left his friend's
15 house, Patrick Antoine, who was walking home minding his own
16 business, running after Justin Volpe, charging into Justin
17 Volpe? The evidence will show that that was a lie and that
18 the defendant Michael Bellomo knew it was a lie when he told
19 the FBI that.

20 You see, he lied because he wanted to coverup
21 Justin Volpe's unlawful attack on Mr. Antoine and he wanted to
22 cover up the fact that he had falsely arrested Patrick
23 Antoine, so he lied.

24 But Michael Bellomo didn't only lie about Patrick
25 Antoine. He also lied about Abner Louima. He said that on

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1 the morning of August 9, 1997, he saw Abner Louima about a
2 block away from the Club Rendezvous after Mr. Louima was
3 arrested. He said he saw Abner Louima at Farragut Road and
4 East 28th Street, which is a block away from the club, sitting
5 in Charles Schwarz and Thomas Wiese's police car, handcuffed
6 from his back, and that he saw Justin Volpe at that location,
7 positively identifying Abner Louima as the person who had
8 punched him.

9 Ladies and gentlemen, we will prove beyond a
10 reasonable doubt that Michael Bellomo never saw Abner Louima
11 at Farragut Road and east 28th Street on the morning of August
12 9, 1997. He lied to the FBI about seeing Mr. Louima at that
13 location because he knew that Justin Volpe, Charles Schwarz,
14 Thomas Wiese, Thomas Bruder, had beaten Abner Louima at a
15 location several blocks away from Farragut Road and East 28th
16 Street.

17 He lied and said that he saw Louima at Farragut
18 Road. The evidence will show that at that same time
19 Abner Louima was being beaten at an entirely different
20 location. Michael Bellomo lied about Abner Louima just like
21 he lied about Patrick Antoine, and he told more lies and I am
22 going to get to them.

23 Now, how will we prove that Charles Schwarz and
24 Justin Volpe beat and tortured Abner Louima in the bathroom of
25 the 70th Precinct on the morning of August 9, 1997? How will

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1 we prove that they, along with Thomas Bruder and Thomas Wiese,
2 beat him in a police car on the way to the precinct?

3 We will prove beyond a reasonable doubt that that
4 happened a number of ways: through witnesses and through
5 pieces of physical evidence.

6 We are going to call to the stand people who were
7 with Abner Louima at the Club Rendezvous in the hours before
8 he was arrested, beaten and tortured. They will tell you
9 about how Abner Louima was acting. They will tell you what he
10 was doing in the Club Rendezvous.

11 We are also going to call before you police officers
12 who responded to the scene. They will describe to you what
13 they saw when they got there, when they responded to
14 Michael Bellomo's call for assistance at that scene.

15 We are also going to call before you, you are going
16 to hear from police officers who were at the 70th Precinct
17 when Abner Louima was brought into the precinct. Those
18 officers will tell you that Abner Louima was brought to the
19 front desk and that he was standing at the front desk with
20 Charles Schwarz. They will tell you that they saw
21 Charles Schwarz walk Abner Louima away from the front desk and
22 towards the back of the precinct, towards the bathroom, while
23 Abner Louima's pants were down.

24 One of those same officers will also tell you that he
25 saw Justin Volpe walk Mr. Louima away from the bathroom and

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1 into the cell area and that he saw Justin Volpe put Mr. Louima
2 into a cell. Now, at that time Abner Louima's hands were
3 still handcuffed behind his back and his pants were still down
4 to his knees.

5 We will prove, the evidence will show, that
6 Justin Volpe and Charles Schwarz had sodomized Abner Louima
7 moments earlier. We will call to the stand police officers
8 who saw Justin Volpe carrying a stick at the precinct that
9 morning. We will prove to you that the stick Justin Volpe was
10 seen carrying was the stick that he used to sodomize
11 Mr. Louima with, with Charles Schwarz's help.

12 We are also going to call before you doctors --
13 before I talk about the doctors, we are going to call before
14 you, people who were in the cell area as well, people who saw
15 Abner Louima brought into the cell area with his pants down,
16 who saw him put into a cell, who saw him on the floor of the
17 cell, smelling of feces, moaning in pain and asking for
18 medical help. We will prove he was in that condition because
19 he had just come out the bathroom, the bathroom with
20 Justin Volpe and Charles Schwarz.

21 We are going to call before you doctors and nurses
22 who saw and treated Abner Louima at Coney Island Hospital
23 later that morning. They will describe to you Abner Louima's
24 physical condition when he got to the hospital. They will
25 tell you that Abner Louima's face and head was growing right

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1 before their eyes.

2 Now let me just tell you about the medical evidence.

3 Some of the medical evidence is going to be
4 unpleasant. That's because the crime committed against
5 Mr. Louima was horrific and his injuries were severe. You are
6 going to learn how Abner Louima's organs, internal organs,
7 were so damaged that he passed feces through his penis and
8 urine through his anus while at the hospital that morning.

9 That happened because when Justin Volpe shoved that
10 stick inside of him, the stick tore through his internal
11 organs, it tore through his bladder, it tore through his
12 rectum, and it caused a tunnel between those two organs.
13 Feces went from the rectum into the bladder and urine went
14 from his bladder into his rectum.

15 We are going to call before you, out of the doctors
16 at Coney Island Hospital, we are going to call the doctor, the
17 surgeon, who operated on Abner Louima. He is going to
18 describe to you how he and a team of doctors operated to
19 repair the serious injuries to Mr. Louima. He is going to
20 tell you that it took three hours to repair the injuries to
21 Mr. Louima's rectum and to his bladder.

22 But we are also going to call before you another
23 doctor, an experienced surgeon who has performed thousands of
24 operations on rectums and colons. He is what we call a
25 colorectal surgeon. He is going to tell that you, in his

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1 opinion, his medical opinion, the injuries to Mr. Louima's
2 rectum and bladder were caused by the forceful insertion of a
3 blunt object.

4 Besides those witnesses, and there are going to be
5 many more, we are also going to present to you different
6 pieces of physical evidence that you are going to see and that
7 you are going to hear at this trial.

8 We are going to show you evidence that is going to
9 prove beyond a reasonable doubt that Abner Louima was
10 brutalized on the way to the precinct and tortured in that
11 bathroom.

12 We are going to show you a pair of leather gloves,
13 gloves that Justin Volpe used to protect his hands while he
14 sodomized Abner Louima. You are going to learn that on those
15 gloves was found DNA, DNA that's consistent with Mr. Louima's
16 DNA.

17 Now, I am not a scientist. I don't even pretend to
18 be very good at science, but what we are going to do is, we
19 are going to call before you an FBI forensic scientist. He is
20 going to tell us all about DNA. He is going to tell us about
21 how the DNA found on the gloves were consistent with
22 Abner Louima's DNA. That witness will tell you that the
23 chances of that DNA coming from another black person is one in
24 one million.

25 You will also learn at this trial that on the morning

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1 Abner Louima was beaten and tortured, the morning that he was
2 beaten in the car driven by Charles Schwarz and Thomas Wiese,
3 there was an effort to remove the evidence of the beatings
4 that he suffered in the back seat of their car.

5 You will learn that someone tried to remove the blood
6 on the back seat of the car with a towel, with cleaning
7 solution. But that effort failed because parts of that car
8 were chemically analyzed and traces of blood were found on the
9 back seat of the car, blood with Abner Louima's DNA in it.

10 We will bring parts of those, parts of the back seat,
11 parts of the car, into this courtroom for you to see. We are
12 going to show you a flashlight that was taken out of
13 Justin Volpe's locker, a flashlight that had Abner Louima's
14 blood on it. We will present that flashlight to you as well.

15 Now let me talk to you a moment about the stick that
16 Justin Volpe used. We don't have the stick. You are going to
17 learn at this trial that the stick that was used on Mr. Louima
18 was actually a broken piece of broom that was kept in the
19 70th Precinct.

20 Although we don't have the stick that Justin Volpe
21 used to sodomize Abner Louima with, we do have the other part
22 of the stick, the other half of the stick. We are going to
23 show you that broom. We are going to show you pictures of the
24 broken broom when it was found behind a locker in the
25 70th Precinct, in a room not too far away from where

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1 Charles Schwarz and Justin Volpe sodomized and brutalized
2 Abner Louima.

3 We are going to show you pictures of other things as
4 well. You are going to see pictures of the bathroom where it
5 all happened. You are going to see pictures of the cell
6 area. We are going to show you a picture of the front desk of
7 the 70th Precinct. You are going to see a lot of pictures.

8 We are also going to play for you a radio
9 transmission, a radio transmission that occurred that morning
10 which placed Justin Volpe, Charles Schwarz, Thomas Bruder, and
11 Thomas Wiese at Glenwood Road and Bedford Avenue, a few blocks
12 from the Club Rendezvous, placed him at that location where
13 they all beat Abner Louima.

14 We are also going to show you documents, documents
15 that the defendants prepared which contain false entries,
16 false entries designed to cover up the assaults on
17 Abner Louima and the unlawful assault on Patrick Antoine.

18 How will we prove that Michael Bellomo, Sergeant
19 Michael Bellomo lied about Patrick Antoine, that he lied about
20 Abner Louima and that he tried to help all the other
21 defendants by lying to the FBI, how he tried to help them
22 avoid getting arrested and prosecuted by federal officials for
23 their assault of Abner Louima in the police car?

24 We are going to prove to you that Michael Bellomo
25 lied, first of all, by calling Patrick Antoine to the stand.

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1 Patrick Antoine is going to testify at this trial. He is
2 going to tell you that on the morning he was arrested he had
3 just left his friend's house and that he was walking by
4 himself on Glenwood Road minding his business and that he was
5 suddenly attacked and arrested. He will tell you that he
6 didn't run after Justin Volpe. He didn't charge into
7 Justin Volpe the way Michael Bellomo said.

8 But we are not going to just call Patrick Antoine to
9 the stand to prove that, that Michael Bellomo lied. We are
10 going to introduce to you a document, a police report, that
11 Sergeant Bellomo prepared when he got back to the precinct
12 that morning. He lied in that report.

13 He said that on the morning that Abner Louima and
14 Patrick Antoine were arrested, Patrick Antoine tried to
15 interfere in the arrest of Abner Louima by punching
16 Justin Volpe in his head.

17 Ladies and gentlemen, you are going to find out that
18 Abner Louima and Patrick Antoine had very few things in
19 common. They were both black men and they were both born in
20 Haiti. But they were on two different roads that night:
21 Abner Louima, at the Club Rendezvous with family and friends;
22 Patrick Antoine about five blocks away hanging out with his
23 friend at his friend's apartment. An escalation of violence
24 brought them together, and so did that man (indicating), in
25 his report, through lies. We are going to show you that

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1 report at this trial.

2 In addition, Michael Bellomo lied about
3 Abner Louima. We are going to prove it. We are going to
4 bring Abner Louima into this courtroom. He is going to
5 testify about how after he was arrested he was never taken to
6 Farragut Road and East 28th Street. He was never taken to the
7 place that Michael Bellomo told the FBI that he had seen him,
8 that he saw him at Farragut and East 28th in Thomas Schwarz
9 and Wiese's police car. Abner Louima will testify about never
10 going to that scene.

11 We are going to call police officers who were at that
12 location who never saw Charles Schwarz, Thomas Wiese, or
13 Abner Louima there that morning.

14 (Continued on next page.)
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1 MR. THOMPSON: Their testimony is going to prove
2 that Michael Bellomo lied to the FBI when he said he saw Abner
3 Louima at East 28th Street.

4 And Michael Bellomo tried to help all the other
5 defendants avoid being arrested for their assault of Abner
6 Louima by telling lie after lie after lie.

7 And Abner Louima is going to come into this courtroom
8 and not only testify about where he was taken after he was
9 arrested, he is going to come in and tell you how he was
10 brutally beaten in the back seat of a car and then taken to
11 the precinct and how Justin Volpe shoved that stick up his
12 rectum while the driver, the officer who drove him to the
13 precinct, held on to him as he was being tortured and tried to
14 cry out in pain.

15 We will prove beyond a reasonable doubt that the
16 officer who drove Abner Louima to the precinct and held him
17 down was none other than Charles Schwarz.

18 Let me take a moment to talk to you about some of our
19 witnesses. We may call witnesses -- as you can imagine, it is
20 not easy for police officers to come into a courtroom and
21 testify about their colleagues, but we may call witnesses who
22 may be hostile to the government. Witnesses who are police
23 officers whom the defendants confided in about that night that
24 Abner Louima was arrested.

25 And we are going to call police officers who were not

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1 completely candid in the beginning of the case, who initially
2 lied to law enforcement officials about what they saw or
3 failed to disclose everything they knew, but who came forward
4 reluctantly and told the government what they knew.

5 Let me take a moment to talk to you about Abner
6 Louima. You will learn that in the beginning of the
7 investigation Abner Louima was not completely candid about
8 what happened to him on the morning of August 9, 1997.

9 You will learn that while he was at the hospital, at
10 Coney Island Hospital, recovering from surgery he told news
11 reporters and the FBI and federal prosecutors when they first
12 met that while being arrested he heard a police officer say
13 that this is not the Dinkins administration, it's Giuliani
14 time.

15 Abner Louima made that statement because he thought
16 it would bring attention to what was done to him.

17 And the statement was not true. It was a foolish
18 lie.

19 After all, the fact that two New York City police
20 officers, Justin Volpe and Charles Schwarz, took a handcuffed
21 prisoner into a bathroom, laid that prisoner on the floor,
22 beat that prisoner, then stuck a stick up his rectum doing
23 damage to his rectum and bladder would get your attention.

24 Abner Louima made the Giuliani statement, but he
25 came forward and told the FBI and federal prosecutors that it

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1 wasn't true.

2 He admitted it wasn't true. And Abner Louima also
3 agreed with the family and some friends to lie about Jay.
4 They created a cover story about Jay because they felt they
5 couldn't let anyone know that Jay was actually at the Club
6 Rendezvous with Mr. Louima that night because they were afraid
7 if the police found out that Jay was the person who punched
8 Justin Volpe, that Jay might experience something worse.

9 So, Mr. Louima said that he was at the club with
10 another cousin. He substituted that cousin for Jay.

11 And when he comes into this courtroom with the issue
12 about his teeth, which is bound to come up, six days after he
13 was sodomized and lying in a bed in Coney Island Hospital,
14 Mr. Louima gave videotape testimony to a state prosecutor and
15 he said that his teeth were knocked out during the assault in
16 the bathroom.

17 Ladies and gentlemen, Abner Louima has upper
18 dentures. His teeth were not knocked out during the assault
19 in the bathroom. The anesthesiologist who took part in the
20 surgery removed Mr. Louima's upper dentures when he was asleep
21 and when he awoke from the operation, he didn't have his teeth
22 so he mistakenly said he lost his teeth when Mr. Volpe put the
23 stick in his mouth.

24 You are also going to learn that Abner Louima has
25 been financed, supported by others, after this brutal

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1 assault. The FBI has paid Mr. Louima \$2,000 a month since he
2 got out of the hospital to help him and his family until he
3 could recover from this terrible ordeal. And he also received
4 money from others as well.

5 And, yes, Abner Louima and Patrick Antoine brought
6 law suits against the City of New York and the Police
7 Department for what the defendants have done to them. They
8 are suing for millions.

9 But ask yourself as you listen to this evidence, is
10 it understandable that they would sue as a result of what the
11 defendants did to them?

12 But, please, keep one thing in mind, one important
13 fact, Mr. Louima is not on trial here. Those men are.

14 Abner Louima is the victim here. He is the victim of
15 police officers who turned the rule of law on top of its head
16 to punish a man. He is the victim of a horrible torture at
17 the hands of two New York police officers, Justin Volpe, and
18 Charles Schwarz.

19 Ladies and gentlemen, I haven't touched on all the
20 witnesses you are going to hear from. I haven't touched on
21 all the pieces of evidence you are going to see and hear as
22 well.

23 So, please, understand that no one witness can
24 explain a case like this. So, please, pay close attention to
25 each witness and each piece of evidence because the witnesses

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1 and the evidence will give you an understanding about how
2 Abner Louima and Patrick Antoine had their civil rights
3 violated by the five defendants sitting at that table.

4 And out of all the people that came to the courthouse
5 on March 29th, it comes down to you, to look carefully at the
6 evidence, to consider all the evidence and base your verdict
7 solely on the evidence and the law that Judge Nickerson will
8 explain at the end of this trial.

9 If you do that, when you do that, I am confident that
10 you will find that the evidence proves beyond a reasonable
11 doubt that Abner Louima on the morning of August 9, 1997, was
12 beaten and tortured in almost and an unspeakable way, and that
13 Patrick Antoine also got caught up in an escalation of
14 violence and had his civil rights violated as well, and
15 Michael Bellomo, Sergeant Michael Bellomo, tried to cover up
16 and lied.

17 At the end of the trial we will have another
18 opportunity to speak to you. And at that time we will ask you
19 to reach the only verdict that is consistent with the
20 evidence. That is the verdict that the defendants are guilty
21 of all the charges brought against them.

22 Thank you.

23 THE COURT: You want a recess before you start?

24 MR. KORNBERG: Five minutes.

25 THE COURT: Yes.