

# Charges dismissed in alleged jail beatings

Six Essex County corrections officers faced charges in a series of 2010 incidents

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Charges have been dismissed against six Essex County corrections officers accused of beating three inmates in a series of alleged attacks in 2010 that left two men hospitalized, one injured so badly he was urinating blood, officials said.

The officers had all been charged with assault and falsifying records, court records show. Separate grand juries declined to indict in two of the cases. Charges in the third were dismissed before a grand jury heard evidence.

"The purpose of the grand jury is to weigh the evidence and decide whether to indict. That is what happened in this case. The grand jury has spoken," said Katherine Carter, a spokeswoman for the Essex County Prosecutor's Office. "We accept the decision rendered."

When the officers were arrested in December 2010, Essex County Executive Joseph DiVincenzo and Jail Director Alfaro Ortiz condemned the actions. Acting Essex County

Prosecutor Robert Laurino said the alleged assaults were unprovoked.

All three declined to comment on the dismissals.

Four of the officers have returned to active duty; two remain suspended without pay, county officials said. Carter said all may still face internal disciplinary action.

Patrick Toscano, an attorney for one of the officers, said investigators may have failed to review video evidence in at least one attack and rushed to press charges.

"I've never seen an officer charged that quickly. They were charged immediately upon the word of an inmate," said Toscano, who represented Officer Krzysztof Golas. "The day you take an inmate's statement ... without a thorough investigation before you charge a law enforcement officer ... that's very, very dangerous."

In August, a grand jury dismissed charges against five of the officers in an alleged attack on James Craft, who claimed the five beat him inside the Essex County Jail in May 2010. Golas was arrested with officers William Rupp, 31; Richard

Amorosi, 25; Mark Horst, 29; and Sgt. Jeff Conway, 33, in the attack that left Craft hospitalized, prosecutors said.

But Toscano said video of the incident shows Craft screaming in his cell block, possibly in an attempt to incite other prisoners. Golas was the only officer to touch Craft, after he was ordered to subdue the prisoner, Toscano said.

"The Internal Affairs investigation and the investigation by the prosecutor's office was sorely incomplete," said Toscano, a former Essex County assistant prosecutor.

In the second case, Conway and Officer Dennis Phelps, 35, were charged in a September 2010 attack on inmate Brian Guarino. Though details of that incident remain unclear, court records show the charges were dismissed in August before the case went to the grand jury.

Conway's attorney, Anthony Pope, said a video of the incident made it clear the officers did nothing wrong.

"I don't think the charges should have ever been brought in the first place," he said.

Rupp and Amorosi faced charges in a third attack, on inmate Kirtell Gadson, who claimed he was beaten inside

of his cell by the two officers in April 2010, according to Rupp's attorney, Timothy Smith. Smith said video evidence did not reflect Gadson's accusations. A grand jury dismissed those charges last August.

"The video didn't depict his allegations about what happened after he was taken to the cell ... the allegations that he was unjustly roughed up," Smith said. "The officers denied it, essentially indicated that they just placed him back into the cell."

News of the six arrests came months after prosecutors charged Officer Joseph Mastriani with masterminding a prison smuggling ring that served inmates with everything from cell phones to heroin. Rupp was also charged in that case, which sparked questions about security and corruption at the jail, causing Toscano to wonder if the assault charges were just political posturing.

"That's the only logical conclusion that anybody who represents law enforcement officers could draw from this," he said.

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