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Ex-con files 15M Rikers cig suit

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Raymond (Spanish Ray) Marquez, the legendary Harlem numbers kingpin who announced his retirement last summer, is still hoping for one more big score.

Marquez, 71, sued the city yesterday for $15 million, claiming that he got cancer from secondhand smoke at Rikers Island.

Marquez argues in the Manhattan Supreme Court filing that the city Correction Department ignored a 1989 law banning smoking in many public places and work spaces.

"I believe there are thousands of inmates in the city penal system being punished beyond their sentences by secondhand smoke," said David Marquez, Spanish Ray's son and lawyer.

Corporation counsel spokeswoman Lorna Goodman said she couldn't respond to Marquez's claim in detail because she hadn't seen the suit. "But I doubt very much he'll be able to prove the allegations involved," Goodman said.

Deputy Correction Commissioner Sandra Smith said jail smoking has been restricted in recent years, but not banned.

Marquez, who ran a multimillion-dollar numbers racket for nearly a half-century, was held at Rikers on gambling charges from August 1998 until January. A jury acquitted him in July, but the city is still seeking millions from Marquez in back taxes.

The younger Marquez said his father was diagnosed in September 2000 with bladder cancer and has undergone two operations and chemotherapy. The cancer is in remission, he said.

Marquez hasn't smoked in 20 years, the son said.

Smoking in jails and prisons has been a touchy issue. The city announced in 1996 that it would ban smoking among inmates and guards at Rikers and other jails, but the policy never took effect.

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