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Man Sues DA, City

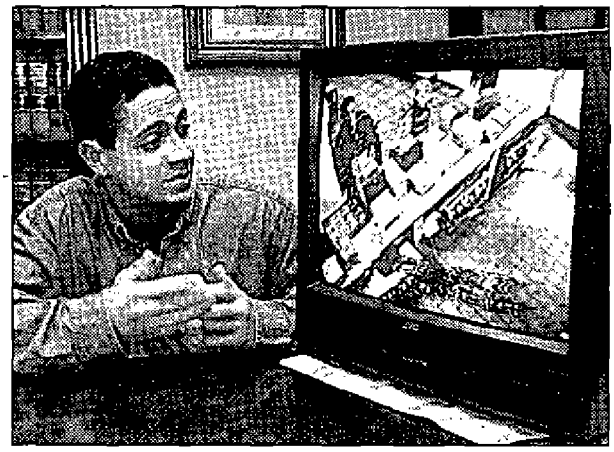
Alleges false imprisonment in $15M claim

By Karen Freifeld
STAFF WRITER

A Brooklyn maintenance man who spent 7½ months in jail last year for a crime he did not commit is suing Brooklyn District Attorney Charles Hynes and the city for $15 million, saying they knew he was innocent.

Melvin Elias, 33, announced the filing of the lawsuit in Brooklyn federal court yesterday, accusing Hynes' office and the city of false arrest, malicious prosecution and false imprisonment.

Elias said that he was arrested and jailed for months on charges of robbing a McDonald's restaurant last year in Sheepshead Bay.



Newsday Photo / Kathy Kmonicek

Melvin Elias of Brooklyn watches a surveillance tape which shows he was not the man who robbed a McDonald's last year.

"They knew it wasn't him but they continued to prosecute," said Elias' attorney, Rick Ostrove of Leeds Morelli & Brown in Carle Place.

In an interview with Newsday, Elias said he was at his Bensonhurst home with his son about 9:30 p.m. May 31, 2000, watching an Arnold Schwarzenegger movie, when someone else tried to rob the McDonald's in Sheepshead Bay, some five miles away.

But six days later police hauled him in and put him in a lineup. He said he cooperated because he had nothing to hide. Although two of three witnesses did not point him out as the culprit, a third did, and he was charged. Bail was set at $15,000, which Elias could not make. Then on Dec. 15, 2000, prosecutors gave the defense a videotape of the crime, the suit says. The tape was reviewed by State Supreme Court Justice Betsy Barros, who raised doubts that Elias was the man shown. Barros reduced bail to $2,500; Elias made bail and then asked prosecutors to have the tape enhanced. On March 9, 2001, prosecutors dropped the charges.

Elias, who had spent 3½ years in jail in the early 1990s for an assault, said he had gotten his life back together when he was arrested in 2000. After his arrest, he said, his family lost their home and had to move in with his father-in-law. "I still don't have a stable job."

The district attorney's office is looking at the case, a spokesman said.

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