



*United States Attorney
Southern District of New York*

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**U.S. CHARGES YONKERS POLICE OFFICER WITH CIVIL RIGHTS
VIOLATION FOR USE OF FORCE AGAINST FEMALE CIVILIAN**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, and MARK J. MERSHON, the Assistant Director in Charge of the New York Office of the Federal Bureau of Investigation, announced today that WAYNE SIMOES, a police officer with the Yonkers Police Department, was charged in a criminal Complaint with violating the civil rights of Irma Marquez by using excessive force against her, resulting in bodily injury. According to the Complaint filed in White Plains federal court:

On the early morning of March 3, 2007, SIMOES and several other police officers responded to a radio call to assist an injured person at a restaurant in Yonkers, New York. When Marquez leaned over the injured person, one of the officers moved her out of the way to the other side of the room. SIMOES then walked over to Marquez, grabbed her around the waist from behind, lifted her into the air, and threw her to the floor, face down, before handcuffing her. Marquez was hospitalized and suffered a broken jaw as well as lacerations and contusions to her face and body as a result of SIMOES's use of force. SIMOES' conduct was captured on videotape and witnessed by other officers.

The Complaint charges SIMOES with violation of federal civil rights laws, which make it a crime to willfully deprive a person of rights secured and protected by the Constitution of the United States, in this case the right to be free from the use of excessive force by a law enforcement officer in the course of an arrest, stop, or seizure.

SIMOES was presented today before United States Magistrate Judge GEORGE A. YANTHIS in White Plains federal court and released on a \$300,000 personal recognizance bond. A preliminary hearing in the case was set for July 23, 2008, at 9 a.m.

SIMOES, 38, lives in Yonkers, New York.

If convicted, SIMOES faces a maximum penalty of 10 years in prison and a fine of \$250,000.

Mr. GARCIA praised the investigative efforts of the Federal Bureau of Investigation in this case.

Assistant United States Attorneys JASON P.W. HALPERIN, ANNA M. SKOTKO, and BENJAMIN H. TORRANCE are in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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