



***United States Attorney
Southern District of New York***

**FOR IMMEDIATE RELEASE
AUGUST 19, 2008**

**CONTACT: U.S. ATTORNEY'S OFFICE
HERBERT HADAD, YUSILL SCRIBNER,
REBEKAH CARMICHAEL, JANICE OH
PUBLIC INFORMATION OFFICE
(914) 993-1900, (212) 637-2600**

**FEDERAL GRAND JURY INDICTS YONKERS POLICE OFFICER
FOR USE OF EXCESSIVE FORCE AGAINST CIVILIAN**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced the indictment today of Yonkers Police Department officer WAYNE SIMOES for violating the civil rights of IRMA MARQUEZ by using excessive force against her, resulting in bodily injury. SIMOES was arrested on June 27, 2008, on a federal criminal Complaint, and was subsequently released on bond pending trial. According to the Indictment and Complaint filed in White Plains federal court:

On March 3, 2007, SIMOES and several other police officers responded to a radio call to a restaurant in Yonkers, New York. While there, SIMOES walked over to MARQUEZ, grabbed her around the waist from behind, lifted her into the air, and threw her, face down, to the floor, 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 Indictment charges SIMOES with one count of violating 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. If convicted, SIMOES faces a maximum penalty of 10 years in prison and a fine of \$250,000.

SIMOES, 38, is a resident of Yonkers, New York.

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 Indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

08-207

###