

## Carter Schwartzreich & Yates defends police officer involved in on-duty shooting

By Jaime Hernandez Staff Writer  
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FORT LAUDERDALE -- A Mexican national who was shot in the head by a Broward Sheriff's Office deputy last month provoked the officer, but the shooting was unintentional, the deputy's attorney said.

Eric Schwartzreich, who represents Deputy Lewis Perry, said Friday that German Gomez and his cousin, Javier Dominguez, kept running toward Perry and his partner on Nov. 3 despite the deputies' orders to stop.

"This evening was not about an intentional or malicious act," Schwartzreich said. "It's not even about negligence or assigning fault or blame. It's about tragedy and misfortune for both Deputy Perry and Mr. Gomez."

Perry and his partner, Richard Mosca, were dispatched to the Whispering Isles apartments after a resident called 911 to report that two men were trying to break into an empty apartment.

Dominguez said he and Gomez, who do not understand English, mistook the apartment for their own, which is in a similar, adjacent building. Schwartzreich said when the deputies arrived, they saw Gomez, 22, and Dominguez, 21, running away from the complex and toward them. The men matched the description of the suspected burglars.

Perry "feared for his life," Schwartzreich said. "He was an officer in a high-crime area."

Gomez is recovering at North Broward Medical Center. Perry has been on administrative duty since Nov. 11 pending the outcome of a Sheriff's Office investigation.

Schwartzreich said he could not divulge specific information because of the department's investigation. Perry, 38, sat next to Schwartzreich during the interview with the South Florida Sun-Sentinel but would not discuss the shooting.

Dominguez and his attorneys have said the cousins surrendered peacefully before Gomez was shot. However, Dominguez has said he did not see what prompted the shooting because Mosca was handcuffing him on the ground and he had his face turned away from his cousin.

David Kubiliun, who is representing Dominguez and Gomez, has said medical records suggest Gomez was shot from behind.

"Our client was unarmed, had committed no crime and had his hands in the air when he was shot in the back of the head," Kubiliun said late Friday.

Schwartzreich denied that, saying Perry and Gomez were face-to-face.

The shooting garnered international attention after the Mexican Consulate in Miami accused the Sheriff's Office of failing to tell consulate officials that Dominguez was detained the night of the shooting. Schwartzreich said he was concerned about the consulate possibly pressuring the Sheriff's Office to discipline Perry, but he "anticipated that the investigation will be complete and favorable."

Kubiliun also has questioned whether the Sheriff's Office should have hired Perry in January 2001. Records show Perry was fired in September 2000 from his previous job as a constable in the town of Washington, Conn., after he was accused of stalking his ex-girlfriend.

Perry has been the subject of nine internal affairs investigations at the Sheriff's Office, two of which were sustained -- one for improper use of his vehicle and another for not following department procedures on how to prepare a police report.

Schwartzreich said the deputy was never charged with any crime in Connecticut.

The attorney said police are often "targets of unfounded complaints" and noted that Perry, who has been in law enforcement since 1990, was nominated for Deputy of the Month honors at the Sheriff's Office. Perry received numerous commendations in Connecticut, including an award for trying to rescue a man from a burning building in the town of Madison, Schwartzreich said.

Perry said he has had nightmares and trouble sleeping since the shooting, and the case has put a strain on his relationship with his girlfriend.

He said because she is not his wife, he is barred from discussing the case with her.

"I've been on edge, irritable," Perry said. "She's much more sensitive. She'll look at the newspaper, and look at me. She calls me crying, and she doesn't understand."

Perry said he has been getting advice from his father, a 35-year police veteran who heads the department of public safety at Eastern Connecticut State University. He said his father has been very supportive.

"He's told me you're guilty until you're proven innocent," Perry said. "You can't go to the press. You can't talk to your friends or family.

"But as long as I'm not doing anything illegal or immoral, everything will be all right."

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