

Judge vacates racketeering conviction

■ **Now says tribal member** was unfairly treated

■ **Has been held** without bail for six years

BY ROBERT E. KESSLER
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A federal judge has vacated the 2008 racketeering conviction of former Poospatuck cigarette magnate Rodney Morrison for illegally selling untaxed cigarettes, a ruling that could mean Morrison soon will be freed from jail.

In a ruling late Friday, U.S. District Judge Denis Hurley said he had erred in agreeing that Morrison had been fairly convicted of racketeering for bootlegging millions of dollars in untaxed cigarettes from the Mastic reservation.

Morrison has been held without bail for six years after Hurley ruled he was a danger to the community and refused to accept a \$56-million bail package Morrison offered to post.

Daniel Nobel, an attorney for Morrison, said yesterday that his client is “obviously very pleased” with Hurley’s decision. In Morrison’s view, his lawyer said, “justice has been done.”

Nobel said that the judge’s decision was based “not on a technicality, but on a fundamental [constitutional] right of due process” — a defendant’s right to an understanding of what is

legal and what is not legal, Nobel said.

Nobel said he could not comment on what plans Morrison has if he gets out of jail.

Asked if the government will appeal Hurley’s ruling, Robert Nardoza, a spokesman for U.S. Attorney Benton Campbell, said the office “will review Judge Hurley’s ruling and consider available options.”

In Friday’s 20-page decision, Hurley said his turnabout came because of an unrelated federal appeals court decision earlier this year that appeared to question whether people — such as Morrison — who sell cigarettes on Indian reservations had adequate notice that they might be breaking the law.

In that case, Hurley said, the appeals court appeared to be asking a state court to clarify whether state law on untaxed cigarette sales on reservations is ambiguous.

Morrison had been scheduled to be sentenced on April 30 on convictions for racketeering and weapons possession, with a possible enhancement of the sentence for murder and robbery. He faced a possible 30-year sentence.

After a two-month trial in 2008, a jury convicted Morrison of racketeering conspiracy in the commission of cigarette bootlegging from his Peace Pipe Smoke Shop on the Mastic reservation, as well as illegal possession of a gun.

The jury acquitted him of murder in connection with the killing of Sherwin Henry, a rival smoke shop owner; and robbery and arson.

But Hurley, exercising his judicial prerogative, had said he intended to take the slaying and robbery into account in sentencing Morrison.

In Friday’s decision, Hurley wrote that because he previously had ruled those alleged violent crimes were done to protect or were to further the cigarette racketeering, he no longer could consider them in sentencing Morrison.

“Those acts . . . were tethered to [the racketeering conviction] now vacated,” Hurley wrote in his decision.



People watch as Cindy Campo, a singer/guitarist from Seaford, performs on Main Street in Huntington during a 'Spring Block Party,' yesterday.

A match made in Russia

After news that a U.S. citizen recently returned an adopted child to Russia, a *Newsday* reporter wrote about her adoption experience.

BY STACEY ALTHERR
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He could have been any American kid on a warm spring day — riding his bike and singing “Zip-A-Dee-Do-Da” at the top of his lungs. But for me, it was amazing to hear a song from my childhood coming from him. He had only come to be my son three months earlier, from an orphanage in Russia.

“My, oh, my, what a wonderful day . . .” belted out my 8-year-old as he zipped along on his new red two-wheeler.

It’s a wonderful day for me, too. It has been some ride since this adorable little boy stared up at me as I descended in the glass elevator in a northern Russian hotel. After three trips to Russia, streams of paperwork, months of worry, and gobs of money, I can now breathe a sigh of relief.

When do you know you’re a mother? For me, maybe it started when I held his quivering hand during takeoff on our flight from

Arkhangelsk to Moscow on his first-ever plane ride. It could have been watching with pride at his first soccer game. Maybe it was when he hurt his knee while playing outside, and I held him until he stopped crying.

Either way, I know I love him whether I gave birth to him or not. There are no degrees of parenthood. A colleague who has both a biological and an adopted child sent me a note. “DNA doesn’t matter,” she said, only the amount of love you can give.

The adoption process was the most grueling thing I have been through, and believe me, reporters are used to hassle. I compiled a “dossier” consisting of dozens of documents on my health, finances and living situation. For two hours, a social worker interviewed me, checked my home for safety and explored my plans for raising the child. I spent hours on the computer after work completing the mandated parent training. Between agency and document fees, and travel, it all cost \$50,000.

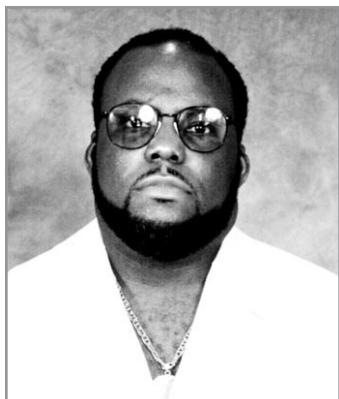
But when I look at him now, the hassle and the expense seem so unimportant. He has quickly become the center of

my life, and he fills me with happiness every day.

More importantly, he is happy, too. He seems to pick up new English words every day. His life, once confined to an institution, now is busy with school and learning, friends and playing, and family to love. He has a dog, which he cuddles with when watching television. He likes me to give him “a hundred kisses” when I tuck him in at night.

Do issues from his past sometimes surface? Of course they do. I went into this knowing full well that he had a rough start. But his bravery, from that first day he was left alone with me in Russia, to the first morning he got on the school bus in America, fills me with awe and makes me want to be brave, too.

Lately, we’ve taken to making a tent on the floor of my bedroom with comforters and blankets. We crawl under to read books with a flashlight. He sometimes likes to stay in there and look at his Spider-Man comic books by himself — as long as I am in the room. I marvel at how far he has come, and I can’t wait to see what adventures await us together.



Rodney Morrison faced a possible 30-year sentence.