

CAUGHT IN A CRACKDOWN, MAN WITH ILL WIFE CHARGED WITH FORGING PARKING PERMIT

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See sidebar: Why the stakes are higher

Former Suffolk Sheriff Alfred Tisch said using forged or altered handicapped parking permits was “abominable” and “the lowest form of human endeavor” when he announced a countywide crackdown on the crime a year and a half ago.

Kenneth Palermo doesn't disagree, but as he prepares to stand trial on felony forgery charges under the new initiative, he never imagined that Tisch's words would apply to him.

Jury selection in the case is expected to begin tomorrow in Riverhead.

“It's stepping on my neck when I'm down,” said Palermo, of Middle Island, as he sat at the bedside of his wife, Elizabeth, who was recently diagnosed with a tumor on her liver that will kill her if she doesn't receive an organ transplant soon. “This is no joke. This is serious. This is life or death.”

Palermo, 45, was in District Court in Central Islip with his disabled wife, Elizabeth, 38, on an unrelated matter in April 2005 when Elizabeth, who was seven months pregnant at the time, felt ill, said their lawyer, Michael Brown, of Central Islip. She got a ride home with her friend, leaving Kenneth with the couple's car parked in a handicapped space and displaying a permit, Brown said.

When sheriff's deputies saw the permit, which had a doctored expiration date, and learned it had been reported lost or stolen, they arrested Palermo as he returned to his car. Palermo said he explained the permit belonged to his wife, and the reason it was reported lost was because the car was totaled in an accident and junked with the permit still inside.

They got a replacement, but an auto shop worker later returned the original to the Palermos, he said. They changed the expiration date so it would match that of the replacement they received, and decided to keep one in each of their cars.

Brown said he can document Palermo's explanation, but prosecutors have so far refused to offer Palermo any plea deal less than a felony. Palermo said he believes prosecutors want to make an example out of him, regardless of the facts of the case.

District attorney's office spokesman Robert Clifford said that while he could not discuss plea negotiations, prosecutors "are reluctant to plea bargain cases involving the illegal use of handicapped parking stickers by able-bodied motorists." Clifford also noted that Palermo's explanation conflicts with what he told police after his arrest, when he denied having altered the permit.

Palermo said the criminal charges and pending trial are taking him away from his wife and infant son when they need him most. He cares for his wife and drives her to doctor visits. She suffers from multiple medical problems and has limited use of her right arm.

Concerned that she may not live to testify on behalf of her husband, Brown petitioned the court to have Elizabeth's testimony taken at home, where she is bedridden, but Acting State Supreme Court Judge Michael Mullen denied the motion. Brown said Elizabeth Palermo now will have to be wheeled into court to testify.

"From a justice standpoint, it just doesn't seem fair," Brown said of the district attorney's office's position. He noted that the criminal possession of a forged instrument statute requires "the intent to defraud or deceive."

"Where is the intent to 'defraud or deceive?' " Brown said. "This is a valid handicap permit that was altered to reflect the other sticker, and that's only used when the handicapped individual is in the vehicle. How silly is that?"

Since Tisch announced the crackdown before losing re-election, the sheriff's office has made three arrests on felony forgery charges. The first person arrested was allowed to plead guilty to a misdemeanor. The most recent arrest was last month.

Suffolk Director of Handicapped Services Bruce Blower, who has been instrumental in the push to go after forged permits as felonies, acknowledged that it was important to "make an example" out of someone.

"Could there have been a better case? Probably so. But you have to take the cases as they come to you," Blower said. "This guy got caught this time. Maybe the next time they'll catch somebody in a stronger case."