

DEAL IN PARKING PERMIT CASE, PROSECUTORS ALLOW MAN CAUGHT WITH WIFE'S ALTERED HANDICAPPED CARD TO PLEAD GUILTY TO MISDEMEANOR

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As jury selection was about to begin in the trial of a Middle Island man charged with a felony after being caught with his terminally ill wife's altered handicapped parking permit, prosecutors yesterday gave the man what he wanted all along - a misdemeanor plea deal.

Instead of facing a maximum of 2 1/3 to 7 years in prison, Kenneth Palermo, 45, will probably serve 280 hours of community service after pleading guilty yesterday to third-degree possession of a forged instrument.

"I'm just glad this is behind me and my family and this ordeal is over with," said Palermo, who added that he looked forward to caring for his ailing wife, Elizabeth, who he says will die without a new liver soon. "I can't believe what they put me through."

Months after the Suffolk Sheriff's Office announced in 2004 an initiative to charge people caught with forged handicapped parking permits with felonies, Palermo was arrested outside district court in Central Islip in April 2005.

A deputy sheriff noticed the expiration date on the handicapped parking permit hanging on Palermo's car had been changed, and learned the permit had been reported lost or stolen.

Palermo said the permit belonged to his wife, who was with him when he parked. The reason it was reported lost was because the couple once totaled their car with the permit inside, he said.

They got a replacement, but when the old one later turned up, they decided to keep both, and changed the expiration date on the original to match the replacement, they said.

Despite the explanation, prosecutors refused to offer Palermo any plea less than a felony until yesterday, after a pool of 90 prospective jurors had already been given preliminary instructions by the judge.

"I think it became obvious that somebody in Mr. Palermo's situation does not deserve a felony conviction," said Palermo's attorney, Michael Brown of Central Islip.

Jeremy Scileppi, chief of Major Crimes for the district attorney's office, said prosecutors continued to evaluate the case and decided yesterday "that this was a fair way to resolve this indictment."

Scileppi also said he didn't think a jury would have believed Palermo or his wife. The husband has marijuana possession and domestic assault charges pending.

Scileppi added that despite the resolution of Palermo's case, the district attorney's office is committed to prosecuting handicapped parking abuses as serious crimes.