

# Cop-killer's life is in hands of jury

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**S**TARTING THIS morning, a life-or-death matter will be the subject of conversation in Courtroom 304 of the Philadelphia Criminal Justice Center.

It has come to this for John "Jordan" Lewis because in less than two-and-a-half hours yesterday, a jury of his peers had lunch while deciding that he was guilty of first-degree murder for gunning down a Philadelphia police officer during a doughnut-shop holdup two years ago.

The swiftness of the verdict may not be a good sign for the 23-year-old defendant. The jury of eight women and four men could have found him guilty of second-degree murder, sparing his life and sending him to prison with no access to parole.

Instead, the verdict that the panel rendered at 4:15 p.m. means that Lewis' fate is still hanging in the balance.

During the trial's penalty phase, which was to get started after 9:30 a.m., the two prosecutors will try to convince the jurors to sentence Lewis to death, while Lewis' two defense attorneys will argue that he should receive life in prison with no parole.

Under state law, if at least one of 10 aggravating circumstances listed in the law and none of the eight mitigating factors are found to be present, the verdict must be death.

Aggravating circumstances include killing a law enforcement officer and a significant prior criminal record.

Among mitigating factors is evidence of severe child abuse.

Lewis, who pleaded guilty last week to general murder and six counts of armed robbery, appeared momentarily frozen after the verdict was read, and had to be told to sit down by one of his attorneys.

There were muffled sounds of celebration from some of the civilian and police supporters of Officer Chuck Cassidy's family, who packed the courtroom during five days of testimony and yesterday's closing arguments.

Cassidy, a 25-year veteran and well-liked figure in the Department's crime-ridden 35th District, lost his life when he stopped to check on a West Oak Lane Donuts the morning of Oct. 31, 2007. The store had been robbed the month earlier by a gunman who

would later be identified as Lewis.

When Cassidy, 54, approached the front door, he spotted a robbery in progress, opened the door, drew his gun and was shot in the head by Lewis. It all happened in a handful of seconds.

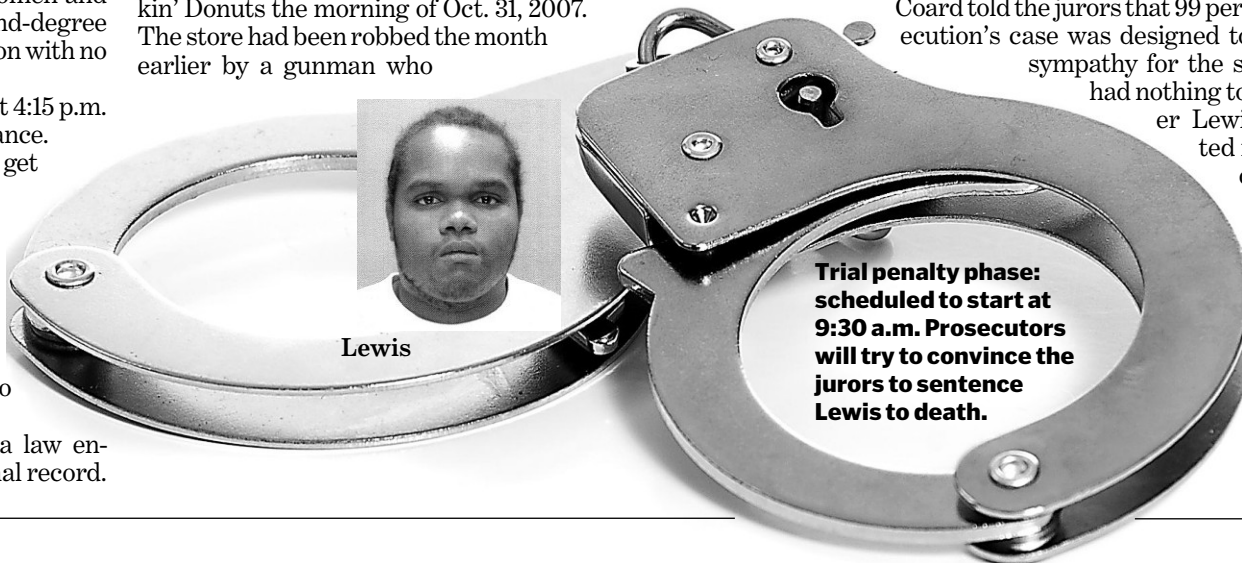
The Northeast Philadelphia husband and father of three died the next day.

The jury saw surveillance video of the murder on Monday in court and again yesterday while deliberating.

During closing arguments yesterday, Michael Coard, Lewis' lead defense attorney, was effusive in praising the late officer as a hero, while he still hammered the belief that his client was no first-degree murderer.

Coard told the jurors that 99 percent of the prosecution's case was designed to draw on their sympathy for the slain officer and had nothing to do with whether Lewis had committed first- or second-degree murder.

The 40-plus prosecution witnesses, the display of Cassidy's bloodied badge and



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## 2 more narcs taken off the street in expanding corruption probe

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The Internal Affairs Bureau has stripped two more narcotics officers of their police powers and service weapons in connection with an expanding federal-local investigation into allegations of perjury and misconduct, including fabrication of evidence.

In all, five officers have been taken off the street since February, when the *Daily News* first reported that Officer Jeffrey Cujdik allegedly instructed his longtime informant to lie about drug buys so that Cujdik could obtain

search warrants to enter the homes of suspected dealers.

The five officers are Cujdik; his brother, Richard; Thomas Tolstoy; Robert McDonnell Jr., and Thomas Deabler. Only one of the five — Richard Cujdik — has been permitted to keep his weapon while relegated to desk duty.

Internal Affairs Chief Inspector Anthony DiLacqua said yesterday that the four officers ordered to give up their weapons "are somehow implicated."

"We obviously don't take a gun for no reason at all," DiLacqua said. "The investigation gets ramped up to the point where

there is more concern . . . It's in the best interest of the Department."

McDonnell and Deabler are the latest to hand in their guns, doing so in mid-September, DiLacqua said.

"It doesn't mean that they will be terminated, arrested or face any disciplinary action," DiLacqua said. "As the investigation is ongoing, some may be returned to full duty."

No officer has been charged with a crime. All have declined comment or did not respond to calls from the *Daily News*. Jeffrey Cujdik's attorney has maintained that his client has done nothing wrong.

The investigation began with allegations that Jeffrey Cujdik and fellow squad members, all veterans of the elite Narcotics Field Unit, sometimes lied on search-warrant applications.

The FBI-led investigation is now in its ninth month and is not expected to wrap up before year's end.

"You've got to appreciate the size and depth of this investigation. It's a very complicated investigation," DiLacqua said. "There's lots of confidential informants to interview, lots of [search] warrants to go through, and lots of people who've been arrested. These things take time. . . . Information is still coming in."

The investigation began with allegations that Jeffrey Cujdik and fellow squad members, all veterans of the elite Narcotics Field Unit, sometimes lied on search-warrant applications. As a result, scores of drug cases are on hold or have been thrown out.

In March, the investigation expanded after the *Daily News* detailed allegations that Cujdik and other officers cut wires to video-surveillance cameras during raids of corner grocery stores selling tiny ziplock bags, which police consider drug paraphernalia.

After the cameras went dark, thousands of dollars in cash and

merchandise went missing, merchants alleged.

In June, the *Daily News* described claims of three women who said they had been sexually violated by Officer Thomas Tolstoy during drug raids in their homes.

Jeffrey Cujdik was the first to be placed on desk duty — in February. His brother, Richard, and McDonnell were taken off the street in April, but were permitted to keep their weapons. Tolstoy followed in May.

On Sept. 15, McDonnell was ordered to turn in his gun and was transferred from a desk job at narcotics headquarters to the Police Administration Building, where he takes minor reports over the phone, DiLacqua said.

The next day, Sept. 16, Deabler was told to relinquish his gun. Deabler is not working due to an on-the-job injury suffered months ago. He's not expected to return to the force.

"He will be separating from the Department unrelated to the investigation," DiLacqua said. "He is expected to retire on disability." ★