



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**QUEENS JURY EXONERATES POLICE OFFICERS
IN MASSAGE PARLOR RAID**

JURY DELIBERATED FOR LESS THAN 45 MINUTES IN SUPPORTING OFFICERS

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, kahlers@law.nyc.gov

New York, June 30, 2004 – After hearing nearly four weeks of testimony, a Queens jury took less than an hour yesterday to return a verdict in favor of the City of New York in a case brought by the owner of a massage parlor raided by police on January 12, 1998, after an attendant allegedly agreed to perform oral sex on an undercover police officer. The case was heard in Queens Supreme Court before the Hon. Peter Kelly.

Byung Hyun Cho, the then-owner of the establishment, Pine Village Spa, located at 32-02 Linden Pl. in Flushing, was arrested for offering unlicensed massages, assaulting a police officer and obstructing governmental administration. After the criminal charges were dismissed by the Queens County District Attorney's Office against Mr. Cho, he and his wife sued the City, alleging that the police unlawfully arrested him and assaulted both of them.

Cho claimed that he was permanently disabled from a neck injury caused by the police. At trial, he asked the jury to award him \$3.5 million. The City, however, contended that he had pre-existing degenerative disk disease which he was trying to link to his arrest in order to get money. The jury deliberated less than 45 minutes in awarding the decision to the City.

Corporation Counsel Michael A. Cardozo, the head of the New York City Law Department, said: "The public is recognizing more and more the difficult decisions that police officers face each day. We are pleased that the jury supported the officers, as they have done in other recent cases." Cardozo pointed to another City victory from last week in which a Bronx jury found that two police officers had used reasonable force to subdue a Bronx man in 1994 whom they said struggled with them and tried to seize an officer's weapon after a high-speed car chase. In that case, the jury also deliberated for only 45 minutes, and the judge dismissed charges against two additional officers, resulting in a complete City victory.

P. Dawn Baker, an Assistant Corporation Counsel in the City's Tort Division, tried the Cho case in Queens for the City. "The jury made the right decision," she said. "It credited the testimony of the officers and rightfully concluded that more was being offered at this establishment than simply a massage.

She added, "The jury also correctly concluded that the police legitimately used a reasonable degree of force to place a resisting suspect under arrest, and discredited some highly suspect evidence offered by the plaintiff, including the testimony of a doctor who was forced to admit that he had altered his medical chart to bolster the plaintiff's claims." The Law Department anticipates forwarding medical charts and testimony regarding the doctor, Damian Kim of Queens, to the appropriate medical disciplinary body.

The Pine Village Spa, still located at 32-02 Linden Pl. in Flushing, is now under new management and ownership, according to Baker, who added that it was sold to a new owner in 1998.

Cho was represented in his civil suit against the City by Michael Cervini, Esq., and Nora Marino, Esq. Marino served as trial counsel in the case.

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