

Defendant Subpoenas 'Mug' Shots

Attorneys for Rufus Fairwell have subpoenaed the departmental record of Patrolman Louis Donofrio and police identification photos taken when Fairwell was booked, it was reported yesterday.

Fairwell, 28, of 234 Jefferson Ave. was arrested Wednesday night and charged with two counts of second degree assault on Donofrio and Patrolman Charles Schafer after a fight at the Atlantic Service Station at Columbia Avenue and Plymouth Avenue South.

Fairwell was transferred Friday from the Monroe County Infirmary to Strong Memorial Hospital after he was released on \$200 bail. The hospital last night reported him in "good" condition with two fractured vertebrae in his lower back.

The attorneys, Bernard Garfinkel and Alban J. Reichert, said the subpoena orders Police Chief William M. Lombard or a duly authorized representative to appear at a preliminary hearing Tuesday with the record and the "mug" shots. The subpoena was served on Lombard Friday by Reichert.

Lombard said last night the subpoena has been referred to Arthur J. Curran, city corporation counsel.

The attorneys also said they were looking into "a possible civil rights violation as well as a possible false imprisonment" charge. They said a police guard had been assigned to Fairwell's hospital room Friday night, even though he was free on bail. The guard was removed early yesterday morning.

Lombard said this was the result of a "scheduling error." He said the district assigned to guard Fairwell had not been notified that his bail had been posted.

Donofrio and Schafer reported they drove into the service station lot about 11 p.m. Wednesday after noticing Fairwell at station door. Fairwell, an employee at the station for about 18 months, later said he was locking up for the night.

Fairwell is alleged to have struck Donofrio after refusing to show the patrolmen identification. Fairwell is then reported to have run across



PATROLMAN DONOFRIO

... records subpoenaed



RUFUS FAIRWELL

... vertebrae fractured

the street to Barney's Bar, 719 Plymouth Ave., where he was subdued by the two policemen and Detective Sgt. George T. Reiss, who was passing by on his way to work.

Garfinkel said Fairwell's "side of the story is that he did not try to provoke a fight; he was not aggressive, and that he desperately sought sanctuary and identification." Reichert reported that Fairwell had said "he was struck first."