

Man Faces Charges After Melee with Police

A 28-year-old man who was subdued by three policemen last night pleaded innocent in City Court today to two counts of second-degree assault.

Judge Sidney Z. Davidson ordered a preliminary hearing tomorrow on the request of Bernard Garfinkel and Alban J. Reichert, attorneys for Rufus T. Fairwell, 234 Jefferson Ave.

Fairwell was intercepted about 11 p.m. by Patrolmen Louis Donofrio and Charles R. Schafer on the Atlantic Service Station lot at Plymouth Avenue South and Columbia Avenue.

The policemen said they noticed three men on the lot and found Fairwell "working on the door lock." They said that when asked what he was doing, he replied, "None of your business."

Fairwell, who has worked at the service station for about a year and a half, later told police that he was looking up for the night. He is employed days except on Wednesdays.

PATROLMEN Donofrio and Schafer said after Fairwell refused to show identification, he struck Donofrio in the face, knocking him to the ground. The other two men on the lot did not interfere.

Schafer then hit Fairwell with a police nightstick and Fairwell ran across the street to Barney's Grill, 719 Plymouth Ave. S. A scuffle there resulted in a broken front door window at the grill.

Passing by on his way to work, Det. Sgt. George T. Reiss assisted the patrolmen in subduing Fairwell. Meanwhile, a large crowd had gathered and Donofrio radioed for assistance.

POLICE SAID Donofrio

was treated at St. Mary's Hospital for injuries to the left side, jaw, face, right hand and elbow and multiple bruises. His uniform was torn off, they said.

Schafer was reported to have been treated at St. Mary's for a nose injury, bruises on the face and body and loosened teeth. He said he lost a \$150 wrist watch during the melee.

Fairwell's lawyers said he suffered scalp cuts, cuts over his eyes, severe bruises and a hip injury. He was treated at Strong Memorial Hospital, but his attorneys requested Judge Davidson to set bail so Fairwell could be treated by his own physician.

Garfinkel told the court that Fairwell is the father of three and has been working steadily for a long time.

JUDGE DAVIDSON said: "Certain people take the position that every time someone gets whacked in the community, he's been beaten unmercifully by policemen."

On granting the request for a preliminary hearing, Davidson said, "This is not a fishing expedition."

After the hearing, called to determine if there are reasonable grounds that a crime has been committed, Judge Davidson can dismiss the charges or bind the defendant over to the grand jury.

of the Fire Department. He has been president of the Monroe County Firemen's Association; chairman of the Monroe County Fire Advisory Board, and chairman of the Monroe County Volunteer Firemen's Training Committee.

The last Monroe County man to head the association was the late Arthur Hefner of Laurelton Fire Department in Irondequoit. He held the post in 1948.

McKinney and his wife have four teen-aged sons. They are George, 18, who will enter West Virginia Wesleyan College this fall, and James, 15, Edward, 14, and Donald, 13, pupils in Spencerport Central School.

McKinney was honored last night at a reception in Albany given by the Spencerport Fire Department. He will return home Saturday.

Lizard Case Youth Freed

William Ogden, 17, one of two young men involved in the Midtown Plaza lizard incident, was freed yesterday afternoon on a court order signed by County Judge John Lomenzo and City Judge Sidney Davidson.

Ogden had been sentenced Saturday to four months in the Monroe County Penitentiary after pleading guilty of disorderly conduct. His companion, George W. Soles, 23, of Manhattan Street, also drew a four-month sentence from Judge Davidson.

Public reaction to the severity of the sentences was strong. At the request of a number of citizens, the Legal Aid Society sought the release of Ogden.

The youth had no previous police record, authorities said.

Ogden's foot-long lizards were freed in the Plaza Friday night. They were caught by police and taken to the Seneca Park Zoo.

Yesterday's court order re-

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