

Prison sentence in cop-dragging case

Steamfitter gets 1 1/3 -4 years for DWI conviction

BY ANDREW SMITH
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A Suffolk judge on Friday sentenced a Holtsville steamfitter who dragged a police officer after a traffic stop to the maximum of 1 1/3 to 4 years in prison for driving while intoxicated.

Though a jury in an October trial acquitted Michael Shear, 35, of second-degree assault for dragging the officer who pulled him over, Suffolk County Court Judge Stephen Braslow in Riverhead Friday criticized Shear for driving away with the officer's arm inside his sport utility vehicle.

The officer, Gregory Sandbichler, then shot Shear after he fled the scene in Patchogue and was chased by several officers. Shear originally faced 7 years in prison.

Shear's attorney, Steven Politi of Central Islip, argued during the trial that Shear abruptly left the traffic stop be-

cause Sandbichler had shocked him with a Taser and he was afraid worse would happen if he stayed. Jurors who acquitted Shear of assault said it was unclear what happened between the two men in the moments before Shear drove off.

Politi argued Friday that his client was no risk to society and there was therefore no point in imprisoning him, but the judge disagreed. Braslow told Shear that his behavior on Jan. 15, 2017, and his four previous driving or boating while intoxicated charges, required jail time.

"There has to be some payment for this, and unfortunately for you, that comes due today," Braslow said. The judge denied a request by Politi to delay the sentencing until January.

Earlier, Politi said even the DWI charge is vulnerable to reversal by appellate courts. The jury acquitted him of DWI based on his blood-alcohol reading, finding that evidence not credible. It instead found him guilty, Politi said, because he was recorded on a phone call from the Suffolk County jail admitting he had been

drinking. The Court of Appeals is considering a case next month that may prevent prosecutors from using such recordings, Politi said.

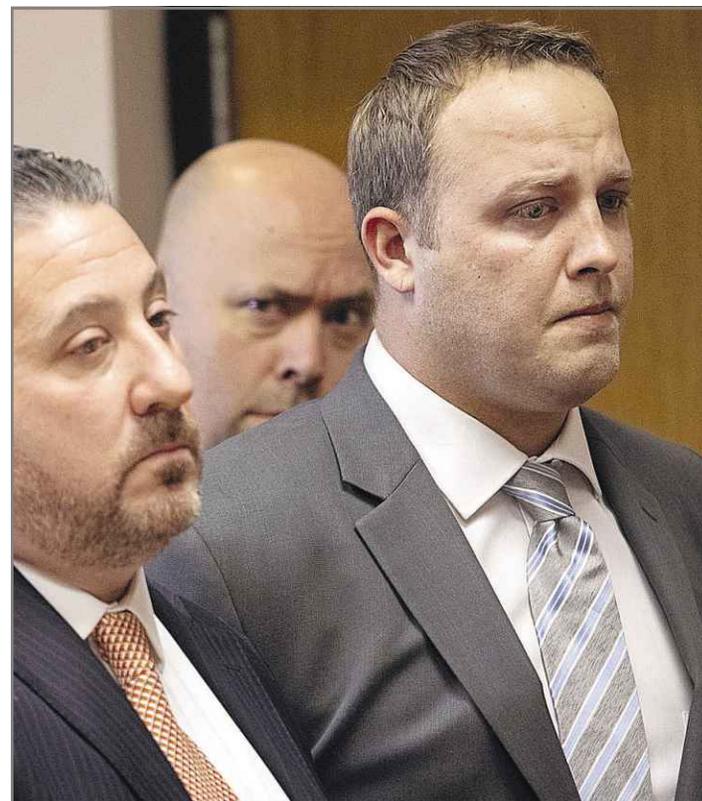
Testimony by Sandbichler and other officers wasn't believable, Politi said. "Their evidence was terrible," he said.

But Assistant District Attorney Maggie Bopp said it was Shear's record of alcohol-related crimes that was terrible, noting that he got one DWI while on probation for a previous one.

"Jail is the only way he is hopefully going to learn his lesson before he kills someone," Bopp said.

District Attorney Timothy Sini agreed. He said in a statement: "The defendant is a dangerous, recidivist drunk driver who clearly has no respect for the law or for the lives of law enforcement officers. . . . [Prosecutors Bopp and Carl Borelli] ultimately delivered justice for the officer injured by the defendant and ensured that Shear will not pose a threat to motorists in Suffolk County for a long time."

Bopp also criticized Politi's attacks on Sandbichler's charac-



Michael Shear, right, is sentenced in Riverhead Friday.

ter during the trial.

"The fact that he was called 'a lunatic,' called 'nuts' for doing his job is disrespectful," Bopp said.

Sandbichler and about two dozen other officers listened in court but did not comment afterward.

Politi afterward again insisted that Sandbichler's behavior and varying versions of events show he was not qualified to be an officer.

"Officer Sandbichler is a lunatic," Politi said. "He is unhinged. He needs to be removed [from the police force]. He's a danger."

Sandbichler is more likely to kill someone in the future than his client is, Politi said.

"My client's never shot someone for no reason," Politi said.

Sandbichler testified during the trial that he shot Shear because he thought Shear was pointing a weapon at him.

Judge OKs phased-in Brookhaven/LIPA tax settlement

BY MARK HARRINGTON
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A State Supreme Court judge on Friday gave the green light to a settlement agreement between LIPA and Brookhaven Town that will gradually cut the utility's taxes for the little-used Port Jefferson power plant in half — the first such agreement after a decade of utility tax challenges.

Under terms of the deal, Brookhaven will reduce LIPA's tax bill for the Port Jefferson power station by approximately 50 percent over a phase-down period of nine years, starting this year, though reductions won't start until the 2019-20 tax year. The move would reduce the \$32.6 million LIPA pays in annual taxes for the plant to just over \$16.8 million by 2026.

The agreement is a notable

success for LIPA, which has long complained of the more than \$176 million in taxes it pays on four National Grid power stations, including one in Glenwood Landing that was demolished in 2013.

Brookhaven Supervisor Ed Romaine was the first public official to embrace the settlement agreement, noting that the town faced the "financially devastating" possibility of having to pay hundreds of millions of dollars in back taxes if it were to go to court and lose the case.

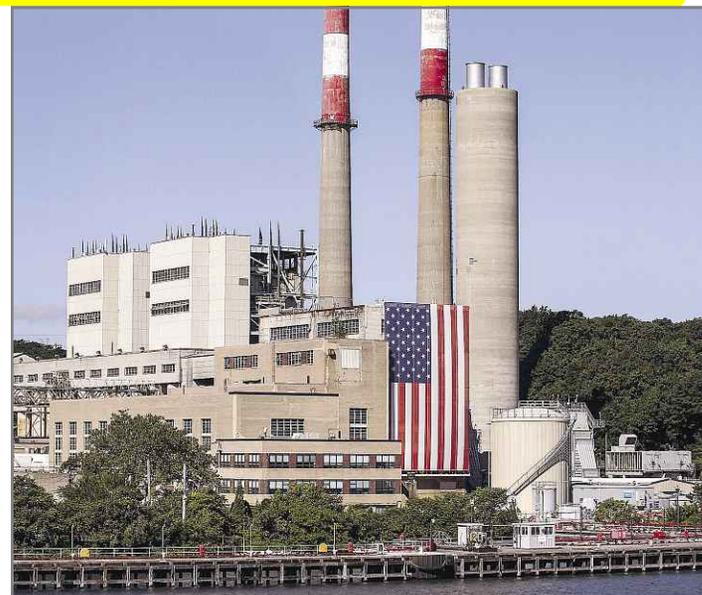
"This deal puts an end to the uncertainty of this plant over the course of nine years and gives finality to this issue," Romaine said in a statement. "LIPA has said throughout this process that savings from the lower assessment will be returned to the ratepayers in the

form of lower electric bills, which will benefit all Brookhaven residents."

LIPA in a statement called the agreement a "fair settlement that puts the taxes on the Port Jefferson plant back on a sustainable path."

The Port Jefferson plant is used less because LIPA has increased the share of more efficient power sources, including solar-energy installations, and the Caithness power plant in Yaphank, for which it pays around \$10 million annually in taxes.

The Brookhaven settlement potentially could help LIPA in attempts to persuade other taxing districts to consider similar pacts for the National Grid power plants in Island Park, Glenwood Landing and Northport.



LIPA has cut back some use of its Port Jefferson power plant.