

Charge against Free Trade protester dropped after cop fails to show in court

Associated Press

January 20 2004, 4:11 PM EST

MIAMI -- A judge dropped charges Tuesday in the first trial related to a demonstrator arrested during November's Free Trade Area of the Americas meetings after a police officer failed to show up and testify.

County Court Judge Rosa Figarola dropped the misdemeanor charges against Ernesto Longo after one of the two subpoenaed police officers failed to appear, but said prosecutors could refile the charges.

Longo, 34, of Hollywood, was arrested Nov. 21 by Miami-Dade County police officers on charges of failure to obey a lawful police order and refusal to disperse. If convicted, he could have been sentenced to a maximum of 60 days in jail, six months probation and \$500 fine. The summit sparked several days of anti-globalization marches and protests and resulted in 231 arrests.

Longo declined to comment Tuesday.

State Attorney's Office spokesman Edward Griffith said prosecutors haven't decided whether to refile the charges. ``We are reviewing what our next actions should be and what appropriate steps to take," he said.

Prosecutor Bart Armstrong asked the judge to reschedule the trial after Miami-Dade Lt. Jeffrey Schmidlinger, who had issued an order for protesters to disperse, failed to appear in court. Officer Christopher Moon, who had arrested Longo, came to the courtroom.

The judge refused.

A police spokesman said a supervisor had told Schmidlinger he had been given a standby subpoena and wasn't told to be at court. Griffith said the officer had been told to appear.

Longo, a law student and observer for the National Lawyers Guild, was with about 100 demonstrators in a designated protest area. According to Moon's arrest report, Schmidlinger ordered the demonstrators to disperse after people threw rocks at the officers and shouted obscenities at them. Moon said Longo refused to move. He first lay down, then tried to flee on foot and was arrested.