

Gerdes faces 28 charges

BY GARY DYMSKI
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Kayla Gerdes, the Freeport woman who police say was high when she fatally ran over a woman mowing her lawn in April, has been indicted on 28 charges, including second-degree manslaughter, Nassau County authorities said yesterday.

A grand jury returned the 28-count indictment, Nassau County District Attorney Kathleen Rice announced in the release. Authorities say Gerdes was high on prescription painkillers when she drove onto the front lawn of a Hempstead home, killing Rebecca Twine.

"This defendant was focused on nothing else but getting high, and now an innocent woman has been violently

killed," Rice said in a statement.

Gerdes, 18, is charged with second-degree manslaughter and second-degree vehicular manslaughter, operating a motor vehicle while impaired by drugs, operating a motor vehicle while impaired by the combined use of drugs, reckless endangerment, eight counts of criminal possession of a controlled substance, four counts of forgery, five counts of criminal possession of stolen property, three counts of unlawful possession of marijuana, criminal possession of forgery devices, reckless driving and operating a motor vehicle without a license.

Gerdes's lawyer said the upgraded charges were expected. "It doesn't change anything," said John R. Lewis Jr. of Farm-

ingdale.

"Gerdes was also found to be in possession of a stolen doctor's prescription pad and a pill bottle containing 22 Oxycodone pills and 29 Xanax pills," Rice's office said in the release.

Gerdes faces a maximum of 59 years in prison if convicted, according to the release.

On April 20, at about 9:40 a.m., "Gerdes was driving a van south on Cathedral Avenue when she swerved onto the front lawn, striking and killing" Twine, 69, the release said. Calls to Twine's family were not immediately returned yesterday.

Gerdes was initially arrested on charges of manslaughter, vehicular manslaughter, driving while under the influence of drugs and driving without a license.

Recycling plant ablaze

Firefighters douse flames at Two Brothers Scrap Metal yesterday in Farmingdale. Crews fought the blaze at the Central Avenue recycling facility for more than 40 minutes. The Melville Fire Department chief's SUV overturned near Smith Street and Route 110 while responding to the fire, but no injuries were reported.



NEWSDAY PHOTO / THOMAS A. FERRARA

Alleged Colombo underboss goes on trial at 93

Legendary Colombo family gangster John "Sonny" Franzese was described by his lawyer yesterday as a has-been "figure-head" who was more talk than action, as his racketeering trial for extorting a Long Island pizzeria and other crimes began in Brooklyn federal court.

"People used Sonny's name because Sonny's name meant something in the age of Eisenhower and Lyndon Johnson, and maybe the age of George Washington," said his lawyer, Richard Lind. "But today, he

has no power at all."

Franzese, 93, a reputed Colombo family underboss, uses a wheelchair, and Lind said that his new nickname is "The Old Man," and "his own wife beats him up" and "abuses him." The star witness against him will be mobster son John Franzese Jr.

The case is an offshoot of a government bust of most of the Colombo family hierarchy in 2008. Also charged are strip club operator Joseph DiGorga of Oceanside, John Capolino and Christopher Curanovic with loan-

sharking and attempted shake-downs of an Albertson pizzeria and two Manhattan adult clubs.

"This is a case about the Mafia and how the Mafia makes money," prosecutor Cristina Posa told the jury. "These four defendants are all part of the Mafia, and they make their money through fear, intimidation and crime."

Prosecutors introduced surveillance photos of Franzese, his son and DiGorga meeting. Franzese's son is expected to testify today. — JOHN RILEY

IN BRIEF

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WOODMERE

Woman in lighter fluid case pleads guilty

A Woodmere woman who was charged with dousing her estranged husband's home with lighter fluid pleaded guilty yesterday to third-degree burglary charges.

Esther Hershko, 50, originally was charged with five counts of attempted murder after the June 2009 incident because there were five people inside the Heron Drive home — her estranged husband Itzhak Hershko, his girlfriend, their infant child and two other relatives.

Police originally said Esther Hershko had doused the infant with lighter fluid, a claim that her lawyer disputed with reports from the state police forensics lab that showed no trace of lighter fluid on the baby's clothes or blanket.

"I don't think she was guilty of anything except for bad judgment," said her defense lawyer, Adrienne Flipse Hausch of Mineola.

The Nassau County District Attorney's Office declined to comment on the plea.

Hausch said Esther Hershko had gone to her husband's home to confront him over investments, and in the course of their fight she dumped lighter fluid in a puddle on the floor and left the house, where she was confronted by police and arrested.

Hershko is expected to serve 2 to 6 years in jail. Sentencing is scheduled July 1.

"If she hadn't been in [jail] already for almost a year I would have advised her to go to trial," Hausch said. The plea allows Hershko to serve her time "and resume her life," she said.

A lawyer for Itzhak Hershko said his client was trusting the Nassau district attorney's discretion in the plea.

— SOPHIA CHANG

RIVERHEAD

Man pleads not guilty in prostitute's slaying

A Medford man who prosecutors say killed a prostitute when she refused to give him a refund pleaded not guilty yesterday to sec-

ond-degree murder.

Chad Johnson, 22, was arraigned in Suffolk County Court in Riverhead on a grand jury indictment charging him with the slaying of Jennifer Papain, 26, of North Patchogue.

Johnson was ordered held without bail. He is due back in court on June 18.

His attorney could not immediately be reached for comment.

Papain was reported missing after she was last seen getting out of a car driven by her pimp on March 24, authorities have said. Her body was found two months later off the north service road of the Long Island Expressway in Medford.

Police said Johnson confessed to paying Papain for a sex act in his car, then strangling her and burying her body in a wooded area not far from his home.

Johnson told police he strangled Papain after they argued over the \$80 he paid her for sex, police said.

The indictment also charges Johnson with third-degree patronizing a prostitute, second-degree aggravated unlicensed operation of a motor vehicle and marijuana possession. He pleaded not guilty to those charges.

— CARL MACGOWAN

NEW YORK CITY

2 more men charged with attempted rape

Police have arrested two more men on charges of sexually attacking a woman in Central Park, and their accused accomplice has appeared in court.

The first man arrested, Robert Gonzalez, is being held on \$50,000 bond after his arraignment yesterday on attempted rape and other charges. Defense lawyer James Koenig says he believes "nothing forcible will be proven in this case." Police Commissioner Ray Kelly said Shawn Martinez and Kevin Dalrymple were arrested yesterday on similar charges.

All three men are 18. Kelly says the woman, 23, met the men on a subway platform in the Bronx and traveled to the park with them. The attack occurred early Sunday.