

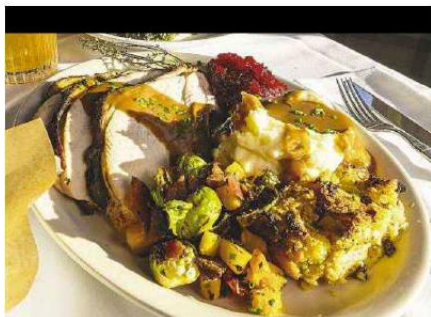


TOM LAMBU

Little Beach Harvest Cannabis Dispensary is on the Shinnecock Reservation in Southampton.

Shinnecock Cannabis Dispensary Opens

A5



LINDA ROSIER

Thanksgiving dish at the Birdie Bar in Northport.

Eating Out on LI For Thanksgiving

PLUS: Travel outlook, gas prices for holiday

A6-7, EXPLORE LI

ATTORNEY'S GILGO CLAIM



JAMES CARBONE

Alleged Gilgo Beach killer Rex A. Heuermann, right, with his lawyer, Michael J. Brown, in court in Riverhead on Wednesday.

Heuermann's lawyer says investigators almost arrested different suspect when Sini was DA

A3 | VIDEO AT NEWSDAY.TV

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The Back Page

PART ONE:
THE 1970S

Memorable Sports Moments by Decade

COMING THANKSGIVING DAY

The most memorable New York sports moments from the pages of Newsday. Delivered to all home delivery subscribers and newsstands across Long Island.

LAWYER: ANOTHER SUSPECT

Defense attorney says ex-DA had Gilgo Beach target

BY GRANT PARPAN
grant.parpan@newsday.com

The defense attorney for alleged Gilgo Beach serial killer Rex A. Heuermann said Wednesday another suspect in the 13-year-old case was nearly arrested under the previous district attorney and that prosecutors have not yet turned over detectives' notes that could help the defendant.

Defense attorney Michael J. Brown of Central Islip said those notes would have the names of other suspects in the multiple homicide investigation.

"It's important for us to defend my client to get all the investigation notes from all the detectives and police officers involved in this case," Brown told state Supreme Court Justice Timothy Mazzei during Heuermann's brief appearance in court Wednesday. "We're looking forward to getting that in an expeditious manner because we're at four or five months already. That's very important for us to go forward with the trial."

Speaking with reporters outside of the courthouse, Brown said former Suffolk County District Attorney Timothy Sini "wanted somebody arrested" for this crime. Brown didn't identify the potential suspect but said he lived "close to Mr. Heuermann's home in Massapequa Park."

Brown said investigators were "focused and ready to arrest that individual."

"If they went forward on what Mr. Sini wanted, somebody would have been in jail," Brown said. "And all of you would have been pouncing on that person who's in jail. And Rex Heuermann would have still went to work every morning and would have come home at night and had dinner with his family. So I want to see the evidence."

Sini declined to comment on Brown's statements Wednesday. Current Suffolk District Attorney Ray Tierney also did



Attorney Michael J. Brown, left, with accused killer Rex A. Heuermann. ■ Video: newsday.com/gilgo



Asa Ellerup, wife of accused Gilgo Beach killer Rex A. Heuermann, at the courthouse.

not return telephone calls seeking comment.

Thousands of photos

Suffolk County Assistant District Attorney Nicholas Santomartino told the judge prosecutors have so far turned over all of the grand jury minutes pertaining to the three women Heuermann has already been charged with killing and all of the Suffolk County Crime Lab notes from the investigation.

Mazzei at one point interrupted Santomartino, expressing surprise at the volume of evidence when the prosecutor said the newly turned over discovery includes 13,000 photographs taken during the execu-

WHAT TO KNOW

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■ **Sini declined to comment on Brown's statements.**

tion of search warrants at Heuermann's home, office and storage units he rented.

Brown said he's also still waiting for prosecutors to turn over 75 pages of grand jury minutes from the early part of the grand jury investigation as well as notes from outside crime labs that assisted the Gilgo Beach Task Force with building the DNA case against Heuermann.

Tierney said the grand jury investigation into the Gilgo

Four is expected to end "shortly."

The special grand jury, which began on June 15, is still hearing evidence against Heuermann in the killing of potential fourth victim Maureen Brainard-Barnes, Tierney said. The district attorney said the grand jury minutes that have not yet been turned over are related to the ongoing investigation.

"With a grand jury you go where the evidence takes you," Tierney said. "Especially when you're at the end of an investigation and you're bringing in extraneous matters and potential witnesses."

To date, prosecutors have been focused on first sharing discovery on the other three victims, Tierney said.

"We want to [turn over discovery] in a coherent way," Tierney said, noting the discovery is voluminous.

Speaking outside the courthouse, Brown said he hopes the prosecution will have turned over all of their discovery before Heuermann's next appearance Feb. 6.

Heuermann appeared to glance at his estranged wife, Asa Ellerup, as he walked into the courtroom. She was escorted by court officers to her first appearance in court and sat alongside her attorney,

Robert Macedonio, in the third row. Macedonio told Newsday his client "wants to see and hear the evidence that's presented in court." She made no comments Wednesday.

Reported DNA match

Heuermann has been held without bail since his arrest in the killings of Megan Waterman, Melissa Barthelemy and Amber Lynn Costello, whose remains were found near Gilgo Beach 13 years ago. Heuermann has pleaded not guilty to three counts each of first- and second-degree murder.

Prosecutors have said Heuermann, who worked as a Manhattan architect before his arrest, is also the prime suspect in the slaying of Brainard-Barnes, whose remains were found with the other three victims. All four of the women — the first of 10 sets of remains found along Ocean Parkway that are believed to be the work of one or more serial killers — were sex workers.

Heuermann was linked to the women's killings through DNA, cellphone site data and burner phones, prosecutors have said.

A cheek swab, obtained from Heuermann by court order since he's been in custody, matched a mitochondrial DNA profile that authorities who were surveilling Heuermann developed from a pizza crust and used napkin that allegedly were discarded in Manhattan, prosecutors have said. The mitochondrial DNA profile developed from the pizza and napkin could not be excluded as a match to a hair found at the bottom of burlap used to "restrain and transport" the remains of Waterman, one of the victims, according to prosecutors.

Brown said the prosecution's DNA claims only potentially place his client in a pool of "thousands and thousands" of possible donors of the hair. He has also said his client has professed his innocence and is actively working on his defense.

When asked by Mazzei Wednesday if he's using the time he's been afforded to review evidence, Heuermann said, "Yes, I am." It was the only words he spoke during the conference.

With Michael O'Keefe

JAMES CARBONE

JOHN ROCA