

Man found not guilty in pepper-spraying incident

By Eve Sullivan
Staff Writer

STAMFORD — After deliberating for three hours, a jury found city resident Harry Moss not guilty of pepper-spraying youths in his building and resisting arrest.

Moss, 55, of 28 Perry St., underwent a three-day trial on the charges of risk of injury to a minor, assault on a police officer and interfering with police for the Dec. 24, 2001, incident.

When the verdict was returned just before 5 p.m., Moss smiled and vigorously hugged his defense attorney, Lindy Urso. State Superior Court Judge William Hickey then released the jurors.

"I appreciate the job you did," Hickey said. "It was a difficult case."

As he left the building, juror

Courtney Haynes explained how they came to their decision.

"We really debated a lot," he said. "We had trouble with the interfering because we couldn't decide whether it was interfering."

But Haynes said Urso's comment about the charges in his closing argument stuck with them.

He said Urso reminded them that police Officer Jerry Junes testified that Moss wasn't originally charged with interfering because he didn't interfere.

Police had charged Moss with breach of peace and refusal to be photographed and fingerprinted, but the prosecution substituted those charges with interfering with police.

During the trial, the prosecution said Moss pepper-sprayed a 9-year-old boy in the stairwell of

his building and was combative when police arrived.

The defense claims that Moss was aiming at a 17-year-old male who had banged on his door.

In closing arguments, Urso painted a picture of Moss as a frail man who has suffered from physical problems, ranging from a head injury to arthritis.

"I think you would all agree, Mr. Moss is not an imposing physical force," Urso said. "He's got some physical injuries that would make it pretty unlikely that he would be banging his head off the wall, whether he was under the influence of alcohol or not."

Urso said the charge of risk of injury was unfounded because Moss did not intend to "willfully or intentionally" cause harm to a child. He said Moss sprayed a teenager so he could mark him

with dye.

Urso said Moss is a "proud man, entering the later season of his life," who has been dealing with "some poor examples of youth in our society."

"Return to him his dignity," Urso said. "Vindicate his principles. Find this gentleman not guilty on all counts."

Assistant State's Attorney Carole Dresnick said Moss went into an open hallway, where young children were walking around.

"He intentionally sprayed the spray. He told you," she said. "He had control of the situation."

Dresnick grabbed the can of pepper spray that was confiscated from Moss's apartment and read the label, which stated "the use of the contents for anything but self-defense is a crime."

"Did the defendant use this in self defense?" she asked.

Dresnick said there was a knock at the door and Moss stepped into the hallway and searched for the children. She said he took the law into his own hands.

When police arrived, Dresnick said Moss had no clothes on. She said he threatened to punch an officer and proceeded to headbutt him.

"Is that cooperating with police, to open the door totally naked?" she asked.

The trial started Friday with the testimony of the boy, who is now 10, and his grandmother. Two police officers, Moss, Moss's live-in girlfriend Ophal Sutton, the building superintendent and a teenage neighbor also testified.