

LONG ISLAND / OBITUARIES**Donald E. Belfi, who presided over the LIRR massacre trial, dies at 84**

Former Nassau County Court Judge Donald E. Belfi, seen in an undated photo, presided over several high-profile trials, including the case of a racially-motivated 1991 bat attack on then-Lawrence High School running back Jermaine Ewell, Credit: Newsday / Dick Yarwood

By John Valenti

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Former Nassau County Court Judge Donald E. Belfi, who presided over the 1995 trial of Long Island Rail Road massacre shooter Colin Ferguson, has died.

Belfi, who lived most of his life in Rockville Centre, also presided over the high-profile trial of Shannon Siegel in the racially motivated 1991 bat attack on then-Lawrence High School running back Jermaine Ewell, and the murder trial of Nikolaos Kotsopoulos, who was charged with killing his wife in 2002 by shooting her while she prepared Greek Orthodox Easter dinner.

Belfi died Wednesday in Stuart, Fla., after a long illness. He was 84.

In his sentencing of Ferguson, who on Dec. 7, 1993, opened fire on an LIRR train as it entered the Merillon Avenue station in Garden City, killing six and wounding 19 others before being subdued by passengers, Belfi said it was too bad that the newly reinstated death penalty in New York could not be applied to him. He then sentenced the 37-year-old gunman to the maximum sentence possible — six consecutive 25-years-to-life sentences, as well as an additional 19 25-year sentences for each count of attempted murder.

Belfi also admonished Ferguson, who, during a bizarre month-long trial represented himself and complained about racism, the media and his treatment in jail, all while proclaiming his innocence despite being identified as the shooter by 15 eyewitnesses.

"In my 21 years as a judge, I have never presided over a trial with a more selfish and self-centered defendant than you," Belfi told Ferguson. "The vicious crimes you committed on December 7, 1993, were the acts of a

coward."

After Ferguson fired his attorneys, who planned to pursue a "black rage" defense that would have forced him to admit he was mentally unsound, Belfi reaffirmed Ferguson was mentally competent to stand trial and then was required, under law, to provide him with county funds for a private investigator to search for a person the gunman claimed was "the real killer."

Throughout the trial Ferguson, who when arrested was found to have notes expressing his hatred of whites, Asians and "Uncle Tom Negroes," referred to himself in the third person, even telling the court in his opening statement: "Mr. Ferguson was awakened by the gunfire and, amid the confusion, sought to protect himself."

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Ferguson later demanded a mistrial when Belfi ruled he could not hold the 9 mm pistol seized at the shooting scene.

"This is one of the pitfalls of self-representation," Belfi told Ferguson. "No defendant can handle a weapon. You were not singled out. Motion denied."

After rendering his sentence, Belfi told Newsday he had no regrets about ruling Ferguson competent to stand trial and said that decision was based on his own questioning of the gunman and on psychiatric testimony offered during a competency hearing.

"I did everything with a view toward not having the case reversed," Belfi said. "You don't kill six people and wound 19 others unless there is some mental or personality disorder but it did not rise to the level in my opinion to find him incompetent."

One of his five children, Eric Belfi of Laurel Hollow, recalled Thursday how he and his siblings tried for years unsuccessfully to get their dad to write a book about his experiences on the bench.

"As you can imagine, the pressure of that case was tremendous on him," Eric Belfi said. "There were so many bizarre facts in that case . . . and he so wanted to make sure that everything done was perfectly appropriate and also wanted to make sure the defendant was treated fairly. That was the pressure, to make sure he got it right and, ultimately, the appellate court said he did. He always knew, even with all he did, that would be the moment he'd be remembered for."

Roots in NYC

Born in Brooklyn to a German immigrant father, Eberhard Belfi, and a Brooklyn-born mother, Margaret, Belfi moved with his family first to East Rockaway and then to Rockville Centre, where he attended South Side High School. He met his wife, Sarah Fisk, with friends one summer in the Hamptons and the two were married Dec. 28, 1968, eventually raising five children.

A 1957 graduate of Georgetown University who received his law degree from Fordham University School of Law in 1960, Belfi joined the office of then-Manhattan District Attorney Frank Hogan after graduation.

He served as a Manhattan assistant district attorney from 1960-62, then was an assistant district attorney in Nassau County from 1962-74. In 1975, he was elected to the Nassau County District Court bench, then was re-elected in 1980. He was elected to the County Court in 1984, then re-elected in 1994 before running in an unsuccessful campaign in 2004. After leaving the bench, Belfi joined the Manhattan firm of Murray, Frank & Sailer, LLP, as senior counsel.

His wife, known as Sally, said Thursday of her husband's demeanor: "Both the lawyers and district attorneys all felt he was very fair and he had a very quiet presence in court." And around the dinner table with his children? "He could interrogate any of them," she said, "and they would confess to it all."

It was Belfi who sentenced Siegel, a white man, to 7-to-21 years in the bat attack on Ewell, a black man. Siegel and Ewell later became friends and the subject of a documentary called "Beyond the Boardwalk," a reference to the location of the attack: Atlantic Beach.

And it was Belfi, who before one of the young children of Kotsopoulos had to testify before his father, called the son into chambers in an effort to calm him. His question, "Who do you root for, the Yankees or the Mets?"

His children told a story of how Belfi once attended a wedding and the bartender recognized him, noting the judge had sentenced him to prison time for DWI infractions. Eric Belfi said the initial reaction of his family was concern.

"Then, the bartender told my dad, 'That was the best thing that could've ever happened in my life. You changed my direction,'" Eric Belfi said.

"Overall, he was very measured with stuff," Eric Belfi said. "But he also had stories of compassion, where he saw [defendants] were trying to rectify wrongs and proceed the right way . . . He was a role model, both professionally and personally and from all those years on the bench he learned the skill of listening."

Belfi is survived by his wife and their children: Eric and wife, Tara; Brian and wife, Adrienne, of Massapequa; daughter Tara Hofmayer and her husband, Stephen, of Merrick; Rory and wife, Erin, of Westfield, N.J.; son Sean of Manhattan; and 10 grandchildren.

The wake is scheduled for March 6 at Mackens Mortuary in Rockville Centre, from 2-4 p.m. and 7-9 p.m. A funeral service will be held March 7 at St. Agnes Cathedral in Rockville Centre. A cremation and private ceremony will follow at a date to be determined.



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John Valenti, a reporter at Newsday since 1981, has been honored nationally by the Associated Press and Society of the Silurians for investigative, enterprise and breaking news reporting, as well as column writing, and is the author of "Swee'pea," a book about former New York playground basketball star Lloyd Daniels. Valenti is featured in the Emmy Award-winning ESPN 30-for-30 film "Big Shot."

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