

Datre dumping trial gets underway with opening statements

“Opportunity and greed” drove a father and son to dump a toxic mix of dirt and debris at four locations in Deer Park and Islip Town, including a public park being renovated and a housing development under construction, a prosecutor told jurors Tuesday at the start of the pair’s trial.

Thomas Datre Sr. and his son, Thomas Datre Jr., “carpeted these four sites with debris chock-full of hazardous substances,” said Suffolk Assistant District Attorney Mark Murray, causing “millions of dollars worth of environmental damage.”

Datre Sr., formerly a prominent fundraiser for Islip’s Republican and Conservative parties, and his son, are charged with criminal mischief; endangering public health, safety or the environment, and operating a solid waste management facility without a permit.

In their opening statements, attorneys for the Datres told jurors corruption and deceit are at the heart of the case but not based on anything their clients did. Instead, Datre Sr.’s Merrick attorney, Andrew Campanelli said, overzealous prosecutors and Suffolk District Attorney Thomas Spota stopped at nothing in a failed attempt to back up the charges against his client.

Campanelli said Spota’s office seized company records, computers and business lists from Datre Sr.’s contracting firm, rendering him incapable of making a living.

“Everything they said is a lie,” Campanelli said, referring to prosecutors. “You decide why they’re tormenting this gentleman, why they shut his company down.”

Datre Jr.’s Garden City attorney, Kevin Kearon, told jurors “no Datre family member committed any crimes.” He said Spota’s actions in the case against his client were akin to a “political hit” as the District Attorney set out to destroy the Datre family.

The father and son were among six men indicted in December 2014 for their alleged roles in dumping the contaminated dirt and construction material at three sites in Islip Town — Roberto Clemente Park in Brentwood, a six-home subdivision in Islandia built for veterans returning from the conflicts in Iraq and Afghanistan and a one-acre private lot on Islip Avenue in Central Islip.

The six are also accused of dumping contaminated debris at a sensitive wetlands area in Deer Park. They all pleaded not guilty at their 2014 indictment hearing.

The trial, underway in Central Islip before acting State Supreme Court Justice Fernando Camacho, is expected to last several months and include a parade of witnesses as well as financial records for the Datres and soil tests from the dump sites.

Murray said GPS data from the pair’s trucks will also be submitted in court. The nearly 70 witnesses expected to testify relating to the Datres’ role in the alleged dumping scheme will include representatives from the state Department of Environmental Conservation, Murray said.

In his opening statement, Kearon said witnesses were threatened and he accused investigators’ methods of obtaining witness testimony to be “unscrupulous, unprofessional, improper, coercive.”

He told the jurors the investigators “had corrupt motives, they had corrupt purposes. They deceived people, they deceived witnesses, and will try to deceive you.”

The first prosecution witness, Suffolk County Police Det. Theodore Sevorino, described piles of debris as high as 25 feet at the Central Islip dump site. Some of the piles contained crushed concrete, he said.

Assistant District Attorney Michelle Pitman introduced dozens of photographs, some taken by Sevorino, showing the debris piles and machinery used to dump the waste, which the indictment alleged contained harmful pesticides, asbestos and heavy metals.

Sevorino, assigned to the environmental crime unit in the District Attorney’s office, said machinery can be used to grind up construction and demolition debris in a deliberate attempt to hide its contents.

“Usually when things are processed like that,” Sevorino said of the piles, “it could contain contaminants.”

In his opening statement, Murray said Thomas Datre Jr. “dumped hundreds of tractor trailer loads” filled with concrete, metals and contaminants at Roberto Clemente Park in Brentwood and “tried to pass it off as a donation” for the renovation.

Datre Jr. also used the Central Islip lot to stockpile, screen and sort piles of dirt and debris “to get rid of its ugliest elements” that would normally trigger experts and law enforcement officials to question the integrity of the dirt, Murray said.

Later Tuesday, prosecutors rolled in a clear, casket-shaped box filled with materials appearing to be pieces of rebar and concrete taken from the dirt piles at Roberto Clemente Park.

The jurors were not permitted to see inside the box because Kearon said he wants to conduct an extensive inquiry of the contents before it can be submitted as evidence.