

# Construction Bosses Found Not Guilty In Crane Collapse Trial

By **Elliot Weld**

Law360 (January 4, 2024, 5:18 PM EST) -- Two construction managers were found not guilty Thursday by a New York state judge in a trial over a crane collapse that injured two workers, ending a case marred by allegations that prosecutors concealed evidence.



Manhattan District Attorney Alvin Bragg said his office "is committed to protecting New York workers, and we will continue to collaborate with our partners to hold companies and managers accountable for their safety." (AP Photo/Mary Altaffer)

Timothy Braico, a site manager for St. Louis-based Western Specialty Contractors, and Terrence Edwards, a site superintendent, were found not guilty by New York Supreme Court Justice Maxwell Wiley after a seven-month bench trial.

Braico's attorney, Dan Horwitz of McLaughlin & Stern, said Thursday that both defendants were acquitted of two counts of second degree assault and two counts of second degree reckless endangerment, and added that "we are grateful that justice was done but with that Mr. Braico didn't have to wait 5-and-a-half years to be vindicated."

Marc Agnifilo of Brafman & Associates, counsel for Edwards, told Law360 that the site superintendent and his legal team "are over the moon with the result," and thanked the court for its time.

Manhattan District Attorney Alvin Bragg lamented the verdict in a statement.

"My office is committed to protecting New York workers and we will continue to collaborate with our partners to hold companies and managers accountable for their safety," Bragg said. "While we are disappointed, we sincerely thank our prosecutors for their work and the judge for his consideration."

Prosecutors alleged that Braico and Edwards violated New York City safety regulations to speed up a project in Harlem. The district attorney's office made a key witness out of Stephen Lewis, a union ironworker who was operating the crane on June 25, 2018, when it collapsed and injured two workers. Lewis backed up the state's allegations that he had no experience with the mini-crane but was pressured into operating it by Edwards and Braico, who wanted to hasten the work along.

Justice Wiley initially paused the trial after prosecutors belatedly disclosed that Diana Florence, a former assistant district attorney, had asked a city investigator to dismiss or delay an enforcement action against Lewis by the New York City Department of Buildings, purportedly due to his cooperation with the district attorney's office. The action could have resulted in a fine of up to \$100,000.

Prior to that disclosure, Bragg's office denied having any role in the dismissal of the action against Lewis. Justice Wiley heard days of testimony in connection with the defense's claims that the office had withheld information.

The defense moved to dismiss the case outright weeks later based on the alleged discovery violations. According to Horwitz, Justice Maxwell denied the motions to dismiss but found that the state had violated Brady v. Maryland and "held he would take an adverse inference" against the state over Lewis' credibility.

Edwards is represented by Marc Agnifilo, Andrea Zellan and Teny Geragos of Brafman & Associates PC.

Braico is represented by Daniel Horwitz, Andrew Tomback and Tracy Burnett of McLaughlin & Stern LLP.

The government is represented by Adam Maltz and Meredith McGowan of the Manhattan DA's office.

The case is the People of the State of New York v. Edwards et al., case number 3885/2018, in the Supreme Court of the State of New York, County of New York.

--Additional reporting by Stewart Bishop. Editing by Covey Son.