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March 25, 2019

Hon. Darcel D. Clark  
District Attorney, Bronx County  
198 E 161st St  
Bronx, NY 10451

RE: PAGAN, JOHANNA  
2018BX020316

Dear District Attorney Clark:

I represent Johanna Pagan in the above-referenced matter, where your office is charging her with misdemeanor assault against Officer Theresa Lustica.

During the arrest, Officer Lustica brutally attacked Ms. Pagan, resulting in the loss of her left eye. Instead of immediately taking Ms. Pagan to the hospital for prompt treatment that might have mitigated the damage they had inflicted, the police officers arrested her and took her to the 46th Precinct. The police contacted emergency care only after seeing what must have been obvious from the outset -- that Ms. Pagan's left eye was hanging out of its socket. A medical expert who reviewed Ms. Pagan's records noted that:

“This type of injury is critical, difficult to manage due to severity, and horrific to the human eye. Time to treatment was essential to this patient. In Medicine, the term ‘time is tissue’ applies to this type of trauma, as each second counts towards regaining full function. It took 1 hour and 18 minutes for the patient to be evaluated from time of assault, earlier intervention could have possible had a different outcome...

The loss she sustained, her LEFT eye, is painful both physically and mentally, as this is trauma that the patient will need to live with for the rest of her life. In my 20 years of Nursing, working in many different areas of critical care, I have never witnessed such an extensive eye injury, nor have I reviewed such a distressing medical record.”

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Given the severity of Ms. Pagan's life-altering injuries, we are asking that your office immediately dismiss the charges against her, and to charge Officer Lustica criminally for this horrific assault.

Ms. Pagan deserves justice and Officer Lustica's continued employment with the NYPD only serves to endanger the community that she purportedly serves.

Sincerely,



Nicolas Schumann-Ortega  
Staff Attorney  
Criminal Defense Practice