

Biker's Murder Charge Is Dropped

Prosecutor concludes Hells Angels member acted in self-defense



By CHAU LAM
AP/WIDEWORLD

In an extraordinary move, the Nassau County district attorney's office yesterday dropped a murder charge against a member of the Long Island Hells Angels motorcycle club, concluding that he acted in self-defense when he shot and killed a rival biker gang member during a melee in February.

For the past six months, Raymond G. Dwyer, 39, a motorist from Oceanside, had been living under the threat of execution the roadside of his 1½ behind bars. Dwyer was arrested on Feb. 23, the day of the shooting, and charged with one count of second-degree murder in the death of Robert J. Rutherford, 57, of Lancaster, Pa. "We can't prove beyond a reasonable doubt that Mr. Dwyer was not justified

when he shot," Nassau Assistant District Attorney Robert Hayden told Court of Claims Justice Alan L. Hoenes in Miscels. interviewed afterward. Hayden went further, saying investigation had shown the shooting was justified because Dwyer acted in self-defense against the attackers. He said self-defense includes acting in defense of others who are being attacked, as Dwyer's fellow club members were when he fired.

Hayden, who has been a prosecutor in Nassau for two decades, said this was only the second time he could remember his office ever dismissing a murder charge against a defendant. On Feb. 23, the Hells Angels held a motorcycle and tattoo expo at the Vanderbilt, a catering hall in Plainville, an event that was attended by about 1,000 people,

Nassau police said. A little after 4 p.m., police said, more than 70 members of the Pagans Outlaw Motorcycle Club, most of whom were from out-of-state, drove to the Vanderbilt in vans. Some had their hands ball-wielding bats and knives. A witness, whom Hayden would not identify but said was not a member of the Hells Angels, told authorities that Dwyer fired five to six shots after his motorcycle began. Four other Pagans were injured in the shooting, Hayden said. Dwyer, who is free on a \$250,000 bond, deferred all questions to his attorney, William E. Detalle of Hicksville, Centre. He is relieved with the outcome of the case, Patrollo said. In addition to dismissing the murder charge, the court also ordered the state to pay Dwyer's legal fees. See DWYER on A21

Murder Charges Are Dropped In Motorcycle Gang Fight

By ELISSA GOOTMAN
GARDEN-CITY, N.Y., (AP)

Prosecutors dropped murder charges today against a member of the Long Island Hells Angels motorcycle club, concluding that he acted in self-defense when he shot and killed a rival biker gang member during a melee in February. For the past six months, Raymond G. Dwyer, 39, a motorist from Oceanside, had been living under the threat of execution the roadside of his 1½ behind bars. Dwyer was arrested on Feb. 23, the day of the shooting, and charged with one count of second-degree murder in the death of Robert J. Rutherford, 57, of Lancaster, Pa. "We can't prove beyond a reasonable doubt that Mr. Dwyer was not justified when he shot," Nassau Assistant District Attorney Robert Hayden told Court of Claims Justice Alan L. Hoenes in Miscels. interviewed afterward. Hayden went further, saying investigation had shown the shooting was justified because Dwyer acted in self-defense against the attackers. He said self-defense includes acting in defense of others who are being attacked, as Dwyer's fellow club members were when he fired. Hayden, who has been a prosecutor in Nassau for two decades, said this was only the second time he could remember his office ever dismissing a murder charge against a defendant. On Feb. 23, the Hells Angels held a motorcycle and tattoo expo at the Vanderbilt, a catering hall in Plainville, an event that was attended by about 1,000 people,

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DWYER from A1

charge against Dwyer, Hayden said his office would not pursue other potential charges stemming from the executioner's injuries suffered by the other four Pagans.

Dwyer did not walk away a free man. He pleaded guilty to one count of third-degree criminal possession of a

weapon, admitting that he carried a loaded gun on the day of the shooting. The crime, which is a felony, carries a maximum sentence of 7 years in prison. Hoenes sentenced Dwyer to the next jail time he'll see, is up to a year in prison in the county jail. In an interview, Hayden said the decision to drop the murder charge was based largely on what the unidentified witness, the only person who saw the shooting and who came forward, said.

According to Hayden, the witness was inside the Vanderbilt and stood near Dwyer when the brawl erupted. Eight to nine members of the Pagans stormed into the Vanderbilt wearing bats and knives, supposedly looking for a job. "The witness said Dwyer then took only a few steps toward them," Hayden said. Even though the authorities knew this immediately after the shooting,

Hayden said the decision to charge Dwyer with murder was not a rush to judgment. "At one time we knew Dwyer fired a gun and killed a man," Hayden said, adding that was sufficient to charge him with murder. However, Dwyer's attorney said the murder could have been avoided. And the authorities listened closely to everything the witness said, perhaps they would have never charged Dwyer with murder in the first place," Patrollo said.

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