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## Juvenile Trial a Free Ride for Lemrick: Feds (Daily News)

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**By GREG B. SMITH**

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Crown Heights riot suspect Lemrick Nelson Jr. could escape a prison term on civil rights charges tied to the slaying of Jewish scholar Yankel Rosenbaum unless a federal appeals court allows him to be tried as an adult, prosecutors argued yesterday.

Nelson cannot be rehabilitated and should be tried as an adult — exposing him to a possible 20-year prison term, Assistant U.S. Attorney Alan Vinegrad told the three-judge appeals court.

Vinegrad also argued that federal lockups for juveniles are not equipped for defendants like Nelson, who is now 20. As a result, Vinegrad said, Nelson might avoid the five-year prison term he would face if convicted as a juvenile.

He urged the judges to overturn the lower court ruling that allows Nelson, who was 16 at the time of the slaying, to be tried as a juvenile.

Although the judges issued no decision yesterday, at least one appeared to be swayed by Vinegrad's arguments. "If nobody will take [Nelson] as a juvenile at 21, does that mean he will walk away with no punishment? I'm very concerned about that," Judge Roger Miner said.

Nelson is charged with violating the civil rights of Rosenbaum, who was fatally stabbed during the riots. He was attacked by a mob angered at the death of Gavin Cato, a black child killed by a car driven by another member of Rosenbaum's ultra-orthodox Lubavitcher community. No other suspects were arrested in the slaying.

Brooklyn U.S. Attorney Zachary Carter won the civil rights indictment after Nelson was acquitted of murder charges in state court.

Defense lawyer Christine Yaris challenged arguments that the federal government could not find a proper juvenile facility for Nelson. "You're the federal government," Yaris said. "You can do it."

Norman Rosenbaum, who came to yesterday's hearing from his home in Australia, voiced outrage at the notion that Nelson could walk away free.

"That is repugnant to the whole notion of justice," he said, "and repugnant to law-abiding citizens."