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Grand jury refuses to indict man on charges in lovers' triangle

Frank Donnelly [fdonnelly@siadvance.com](mailto:fdonnelly@siadvance.com)

And now the plot really thickens.

The owner of a Mariners Harbor trucking firm, accused in a \$10-million lawsuit of firing a shot at and pistol-whipping his purported romantic rival, has dodged the proverbial bullet in a related criminal case with a grand jury's refusal to indict him on assault and other charges.

Joseph Eugenio, 39, had been arrested eight months ago stemming from an alleged Feb. 4 incident involving South Shore resident Roger Conti.

Conti alleges Eugenio was having an affair with his wife of more than 10 years who once worked for Eugenio's company, West Shore Trucking Inc.

Police alleged Eugenio and Conti, 44, became embroiled in a dispute shortly before 9 p.m. on Feb. 4 near at the corner of Arthur Kill Road and Johnson Street.

Eugenio fired a gun at Conti and pistol-whipped him, cops alleged.

Conti suffered a head laceration, alleged authorities.

Cops found a shell casing and deformed bullet at the location, a criminal complaint said.

Afterward, Eugenio was arrested and charged with felony counts of assault, attempted assault and criminal weapon possession and a lesser charge of harassment.

However, a grand jury recently declined to indict Eugenio, and the criminal charges were dismissed, said his criminal defense lawyer, Mario F. Gallucci.

"It's a pleasure to see the legal system work," Gallucci said Wednesday.

"This was nothing more than an ex-husband with a broken heart. My client has said from the beginning he would be vindicated when the truth came out."

Conti's lawyer, **Bruce Baron**, said the grand jury's decision will not affect his client's civil lawsuit against Eugenio and West Shore Trucking, which is still pending in state Supreme Court, St. George.

"The plaintiff is certainly shocked and dismayed at the grand jury's failure to indict the defendant, but it will have zero impact on the civil suit," said Baron.

"Burdens of proof are certainly different, and the best example is the O.J. Simpson case where he was acquitted in the criminal case and slammed in the civil case."

"Roger Conti looks forward to his day in court," Baron said.

In his civil complaint, Conti alleges Eugenio and his wife, Carol Conti aka Melody Conti, decided he "needed to be eliminated, intimidated and/or severely injured so as not to further interfere in their sexual relationship and/or future relationship going forward."

Through a series of phone calls, Eugenio "lured" Conti to a "trap-like location" near Johnson Street, the civil complaint alleges.

When Conti arrived, Eugenio was standing next to a red Ford F150 pickup truck owned by West Shore Trucking, alleges the civil complaint.

Eugenio threatened Conti, then "intentionally discharged a bullet from a firearm in his possession, pistol-whipped ... punched ... shoved, kicked and violently, intentionally ... and maliciously assaulted and battered" the plaintiff, the civil complaint alleges.

Conti allegedly suffered "severe and serious" personal injuries, which the civil complaint didn't specify. He also alleges emotional pain and suffering.

While his wife was not criminally charged or named a defendant in the lawsuit, Roger Conti alleges in the filing she acted "concurrently and in concert" with Eugenio.

She and Conti are "enmeshed in a contentious matrimonial action," according to filings in the civil suit by her lawyer, John Wm. Zaccone.

Zaccone declined comment when reached by phone.

#### ---- Index References ----

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