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NY probe urged in stampede

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The state attorney general, not Nassau County police, should investigate the Black Friday stampede that killed a security worker at a Valley Stream Wal-Mart, a Brooklyn lawyer said yesterday.

Bruce Baron represents two people claiming to have been injured during the fatal stampede.

In a letter to Attorney General Andrew Cuomo, Baron said Nassau police have a conflict of interest in the criminal investigation of the trampling.

Cuomo's office should take control of documents, audio and video surveillance tapes and witness statements because Nassau will be defending itself in a civil suit filed by other victims of the stampede, Baron said.

In a two-page letter, Baron stated that the police "cannot wear the hat of defendant and simultaneously wear the hat of an investigating body."

Jdimytai Damour, 34, of Jamaica, a temporary security worker, died of asphyxiation, police said. The crowd of 2,000 rushed the store when Damour tried to open the doors about 5 a.m., police said.

Theresa Sgro's 14-year-old daughter suffered multiple fractures, and Jennifer Jones suffered neurological damage, Baron said.

Members of Damour's family on Dec. 3 filed a wrongful-death lawsuit against Wal-Mart, claiming the store's advertising and discount prices created a "crazed crowd."

Lt. Kevin Smith, spokesman for the Nassau police department, said yesterday that detectives will continue to investigate the circumstances leading to Damour's death.

"We clearly believe we're a professional police department and we're investigating a matter of criminality here," Smith said.

Alex Detrick, a spokesman for the attorney general, said Baron's letter will be reviewed.

The Wal-Mart stampede was also on the agenda of local politicians yesterday.

At a hearing on the death, Nassau Legis. Joseph Scannell (D-Baldwin), chairman of the county legislature's public safety committee, said he hoped to "shine a light on what happened so we can prevent it from happening in the future."

During a break in the hearing, Scannell said that he was "attempting to strike a balance" between the county's potential liability in a lawsuit and the need for legislation.

After the meeting, he said staff lawyers were drawing up legislation to be introduced in January that would require stores to erect barriers away from the front doors when large crowds form. He said he would require stores to file crowd control plans with the police.

Staff writer William Murphy contributed to this story.

---- **Index References** ----

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