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**19-2024**  
**For Immediate Release**  
**March 19, 2024**

## **TWO MEN INDICTED FOR ATTACKING NYPD OFFICER WHO ASKED THEM TO PUT OUT THEIR CIGARETTES AT SUBWAY STATION**

Bronx District Attorney Darcel D. Clark today announced that two men have been indicted for attacking an NYPD Officer who asked them to put out their cigarettes at the Freeman Street subway station.

District Attorney Clark said, “Our NYPD officers should not have to fear being assaulted for enforcing the rules for riding the city’s subways. This officer was only trying to help the quality of life of commuters who would rather not breathe in cigarette smoke while riding the train. He was viciously attacked for doing his job.”

District Attorney Clark said the defendants, Izayiah Jessamy, 20, last of 672 Crotona Park, and Karrem McClary, 23, last of Moncks Corner, South Carolina, were charged with second-degree Assault, and second-degree Harassment. Jessamy was arraigned March 11, 2024, and Kareem was arraigned on March 18, 2024, both by Bronx Supreme Court Justice Brenda Rivera. The defendants are due back in court June 3, 2024.

According to the investigation, on November 13, 2023, the defendants, at approximately 2:30 p.m., were allegedly smoking cigarettes inside the Freeman Street subway station near the corner of Southern Boulevard and Freeman Street when they were approached by NYPD Officer John Hernandez, 35, who instructed them they could not smoke at the station. Jessamy and McClary then allegedly refused to put out their cigarettes and threatened to go through the emergency gate to avoid paying their fares. When they were prevented from going through the gate, the defendants, acting in concert with each other allegedly began punching Hernandez in the face and back of the head.

The case is being prosecuted by Assistant District Attorney Michael Kilcommons of Trial Bureau 50, under the supervision of Anthony Defreitas, Deputy Chief of Trial Bureau 50, and Lawrence Piergrossi, Chief of Trial Bureau 50, and under the overall supervision of James Brennan, Deputy Chief of the Trial Division, and Theresa Gottlieb, Chief of the Trial Division.



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District Attorney Clark thanked Trial Preparation Assistant Tezra Swinea of Trial Bureau 50 for her work on the investigation.

**An indictment is an accusatory instrument and not proof of a defendant's guilt.**