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Phila. officer to stand trial in scuffle at headquarters Charles Bucceroni is accused of knowing he had hepatitis C when he spit at a superior. No medical proof has been shown.

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By **Jacqueline Soteropoulos** INQUIRER STAFF WRITER
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A prosecutor argued yesterday that because a Philadelphia police officer who spat on a superior is infected with hepatitis C, the case rises to the most serious level of aggravated assault - a felony of the first degree.

Municipal Court Judge Jimmie Moore ordered 38-year-old Charles Bucceroni to stand trial on charges of aggravated assault, terroristic threats and reckless endangerment stemming from the Jan. 13 brawl at Police Headquarters. But the judge suggested that if the District Attorney's Office fails to provide medical proof that Bucceroni is infected with the potentially fatal illness, it should drop the case.

Bucceroni's attorney, Charles Peruto Jr., told reporters after the hearing that his client does not have the blood-borne disease. He also suggested that officers beat Bucceroni after the nine-year veteran was handcuffed.

Bucceroni - who appeared in court yesterday wearing back and neck braces and a patch over his left eye - declined to discuss whether he has hepatitis C.

"I did not start any physical conflict, or verbal. They started it," Bucceroni said. He was arrested after the blood-spattering fracas outside a Police Board of Inquiry hearing on a pending Internal Affairs investigation involving him.

At yesterday's preliminary hearing, attended by police and Guardian Angels members, Inspector Joseph Sullivan of the Narcotics Bureau testified that he was waiting to testify against Bucceroni at the police hearing when the scuffle began.

Sullivan said that Lt. Thomas McDevitt left the hearing room and told another officer that Bucceroni made an obscene gesture during McDevitt's testimony.

Sullivan testified that when Bucceroni emerged from the hearing room, he began cursing and threatening McDevitt before turning to Sullivan.

"It was a volley of obscenities, and he charged right at me," Sullivan said. "I got struck in the right side of my face on my eye, and I got struck on the left side of my face on my cheek and cheekbone. . . . My right eye filled with blood."

Sullivan said that he punched Bucceroni once and grabbed him in a headlock. As other officers tried to restrain Bucceroni, he said, they all crashed to the floor.

After officers handcuffed Bucceroni, Sullivan said, the officer spat on his face.

Both Sullivan and McDevitt testified that Bucceroni was not struck or kicked after he was restrained.

Sullivan and Bucceroni were treated at Jeanes Hospital in Northeast Philadelphia, and Sullivan said that he has started a series of shots

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and medication to combat hepatitis C exposure.

Assistant District Attorney Eric Gibson did not enter any medical evidence that Bucceroni has hepatitis C, but said that evidence would come at trial.

"The defendant clearly knew at the time he spit on him that he had the disease," Gibson said.

About 10 red-clad Guardian Angels surrounded Bucceroni outside the Criminal Justice Center yesterday in support. Bucceroni has been a vocal gadfly complaining about "crooked cops."

During the hearing, about three dozen police officers - including at least 10 in uniform - crowded the courtroom. Some officers later shook Bucceroni's hand, while others gathered around Sullivan.

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