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[Man Shot During Police Altercation Sentenced to 18 Months](#)

A Montgomery County man who was shot five times during an incident for which he was convicted of second degree assault against a police officer was sentenced to 18 months in prison. Thirty-two-year-old Ingham "Andre" DeFreitas also faces five years of probation for his role in the "chaotic altercation."

The incident on September 28th of last year began when a homeowner in the Darnestown area called police on DeFreitas after his car got stuck in mud. Officer Kurt Colson, who had been on the force for less than two years at the time of the altercation, responded to the call. Officer Colson testified in court that DeFreitas did not heed his commands, exiting his vehicle and reaching into his pockets before he charged Colson. The officer stated that DeFreitas was trying to take his gun, forcing Colson to shoot. At his June trial, DeFreitas was convicted of misdemeanor assault, but was acquitted of the heavier charge of trying to disarm Colson because jurors were unable to clearly determine whether he was trying to take the gun from the officer or "push it away."

DiFreitas' [Maryland criminal lawyer](#) focused the defense heavily on the issue of excessive force, calling several witnesses to testify that they had suffered it at the hands of Montgomery County officers. Circuit Court Judge Michael Algeo, saying recent positive drug tests for DeFreitas "(spoke) volumes," brought up the defendant's criminal history while rejecting the defense:

"This is not a 1983 civil rights violation or trial," Algeo said. "This is not about police brutality or police conduct. This is about Mr. DeFreitas who was convicted by a jury of assault in the second degree. So I want the focus to be on that."

Prosecutors concurred, saying that a longer sentence for DeFreitas was necessary to "send a message" that physically resisting law enforcement officers was not acceptable during the course of an arrest.

"You cannot attack or assault a uniformed police officer. This is not a bar fight."

This article is presented by The Law Office of David Benowitz, serving Virginia, Maryland and Washington DC. For more information, please visit our [Maryland DUI Lawyer](#) and [Virginia Criminal Attorneys](#) websites.

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