

Defense lawyer claims threat

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The defense attorney in the Nixzmary Brown murder case said yesterday that he had received what he called a death threat for representing the man accused of killing the 7-year-old girl.

"You had better watch your back," the anonymous male telephone caller said Friday, according to attorney Jeffrey Schwartz of Manhattan.

Schwartz said the caller's number didn't show up on his cell phone and he didn't report it to police. In recent months, Schwartz, who is defending Nixzmary's stepfather, Cesar Rodriguez, on murder charges, said he also had received what he called "harrasing" calls from an anonymous woman.

Though he reported those calls to police about a year ago, Schwartz said nothing ever came of his complaints.

Still, Schwartz said he is pulling no punches in his defense of Rodriguez, 29, whose trial resumes tomorrow in State Supreme Court in Brooklyn. "It is the ultimate chal-



PHOTO BY JAMES CARBONE

Jeffrey Schwartz, right, who is defending the stepfather of slain Nixzmary Brown, says he received a death threat.

lenge," Schwartz said about his defense of the unpopular Rodriguez.

Prosecutors charged that Rodriguez and his wife, Nixzaliz Santiago, Nixzmary's mother, beat, tortured and starved the child for weeks, culminating in her death on Jan. 11, 2006. Police said Nixzmary was found dead on a bedroom floor in the family's apartment at 571 Greene Ave. in Bedford-Stuyvesant. Much of Nixzmary's body was severely bruised and she was malnourished.

Investigators said Nixzmary

was finally beaten to death by Rodriguez after he became enraged with the child for stealing some yogurt from the refrigerator and jamming his computer printer.

Schwartz denied that his strategy includes trying to blame Nixzmary for causing her own death by misbehaving.

"God forbid," Schwartz said. "She was a frisky and spunky kid. They [Rodriguez and Santiago] handled it the wrong way. I am not saying for a millisecond she de-

served what she got."

But Schwartz contends that Santiago, who faces a charge of second-degree depraved indifference murder in a trial slated for the spring, is the one responsible for her daughter's death.

A bottle that is believed to have contained a human fetus or embryo that Santiago kept on her dresser is evidence that she was disturbed by a miscarriage, which she blamed on Nixzmary, Schwartz said.

"Evidence shows that the mother kept [the fetus]. The mother ritualized it," said Schwartz. "The father [Rodriguez] didn't want it. The father thought it was sick. He thought it was whacked out."

But relatives of Nixzmary said Friday Santiago's behavior doesn't excuse Rodriguez from abusing Nixzmary.

"He didn't come forward as a stepfather to stop the beating of the child," said Awild: Cordero, a spokeswoman for relatives of Nixzmary.

The trial continues tomorrow before Judge Priscilla Hall and is expected to last two or three weeks. Rodriguez faces up to life in prison if convicted