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Defendant: It's an open-and-shut case

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In what may sound more like a punch line than a legal defense, Ralph Santiago's lawyer said Wednesday that one reason his client couldn't have burglarized his next-door neighbor's home is that he's too heavy to have fit through the window.

A Suffolk criminal court jury heard opening statements Wednesday in the trial of Santiago, 38, who is charged with burglary and possessing stolen property in the Sept. 7 theft at the Lindenhurst home of Errol and Karen Orehek.

Prosecutors say that after the Oreheks left their 33rd Street house for work, Santiago ran next door, climbed in through a den window in the rear of the house and came out the side door with a gym bag full of goods, including cameras and jewelry. He made a few more trips back and forth, each time coming out of the house with a bag, prosecutors and a witness said.

However, Santiago's attorney, Howard Knispel of Commack, said he is ready to prove that, at 5-foot-11 and 275 pounds, his client could not have possibly made it through the 21-inch wide, 36-inch tall casement window.

"That's certainly a defense that we are exploring," said Knispel, standing outside the

courtroom beside his client.

Believing that if his client couldn't fit, the jury must acquit, Knispel said he is even prepared to produce a replica of the window in court and re-enact the illegal entry "to demonstrate for the jury what he is and isn't capable of."

But Assistant District Attorney Glen Kurtzrock, who calls himself only "a little smaller" than Santiago, said he recently visited the home and climbed through the window with ease.

Then on Wednesday, in the middle of jury selection, Kurtzrock sent a 6-foot tall, 300-pound Suffolk police officer to climb through the window and had it videotaped. With minimal resistance, the officer slinked through.

Taking into consideration that Santiago has actually "put on a couple of pounds" since the burglary, Kurtzrock said, "There is no question in my mind that he would have fit through the window."

Knispel said he "hasn't been impressed" by the prosecution's case, and noted that the lone eyewitness to the crime -- neighbor Edward Riley, 84 -- could not even identify Santiago in court Wednesday.

While the defendant's shape may become the focus of the trial, Kurtzrock said there is nothing light about the crime.

"It's bad enough when you have a stranger break into your house, but it's even worse when it's your next-door neighbor," Kurtzrock said.

On the witness stand, Riley, who lives across the street from both the Oreheks and Santiago, testified that he saw the burglar make "a mad dash" from Santiago's yard to his neighbor's when he thought no one was looking.

Riley said the man tried hiding behind a chimney until he was sure the coast was clear, but Riley noticed, "his stomach was hanging out a little."