

Was Cop Murder Suspect a 'Cowboy'?

Patrick 'Hessy' Phelan was found dead in the Bronx one year ago, on January 21. Officer Richard Molloy, a ten-year veteran of the force, stands charged with his murder. Was Officer Molloy, who claims Phelan committed suicide with Molloy's gun, an NYPD time bomb? One attorney who interviewed Molloy in 1991 thinks so.

BRIAN ROHAN reports.

ONE year after New York Police Officer Richard Molloy allegedly shot to death a Derry immigrant in the Bronx, new details are coming to light over Officer Molloy's troubled past within the NYPD.

Laura Gentile, a Manhattan lawyer whose client was arrested by Molloy in 1989, says she told Molloy's city-appointed attorneys in 1991 that Molloy, a cop since 1986, should be removed from the force "because I was sure he was going to kill somebody one day."

"I told Corporate Counsel at the time that I thought [Molloy] was going to kill someone," Ms. Gentile told the *Irish Voice*. "He was a cowboy. That was the first time I ever felt so threatened by a witness giving a deposition that I asked a law partner of mine to sit in with me."

Depositions obtained by the *Irish Voice* reveal a sometimes hostile Officer Molloy, who was being sued by Ms. Gentile's client for false arrest. At one point, during a private interview by Ms. Gentile at her office in the Manhattan firm of O'Dwyer and Bernstein, Officer Molloy, who was seated beside his own city lawyer, is quoted as saying repeatedly to Ms. Gentile's male law partner, "Are you speaking to me? Why are you looking at me?"

Gentile recalls this as being "Molloy's DeNiro thing," referring to the memoranda speech given by Robert DeNiro's character, Travis Bickle, in the film *Taxi Driver*.

"[Molloy] was scary," said Ms. Gentile. "He was very intimidating, and when I saw his name in connection to this case [the alleged January 21, 1996, homicide of Patrick 'Hessy' Phelan, 39], I wasn't the least bit surprised."

In an Appellate Court deposition dated April 2, 1993, Gentile told the court:

"[Officer Molloy's] history and

recent behavior beg for scrutiny to determine his credibility and determine whether there is anything suggesting a practice, in this officer, of failure or inability to maintain the measured response required of police officer.

"Between 1986 and 1991," she continued, "Officer Molloy found



Officer Richard Molloy: to face homicide charges this spring.

himself in a high number of physically injurious circumstances in his capacity as a police officer. By his own recall, his injuries on the job include a sprained ankle, nine stitches above the left eye, three stitches on the right eyelid, an injured back, stitches to the left hand, injuries to the knees, back, leg and head, struck on the head several times, stitches and fractures to the nose and cheekbone. He was required to appear twice at the Civilian Complaint Review Board (his recollection as to the reason for the appearances was vague) and has numerous Command Disciplines (minor policy violations)."

Ms. Gentile, who left O'Dwyer and Bernstein soon after her case against Molloy ended in 1993, said she heard about the Patrick Phelan case in October when she read in the *New York Times* that Officer Molloy had been charged with murder.

"I wasn't the least surprised," she said. "I always had a hunch his

name would pop up again."

Molloy, 31, who pleaded not guilty when indicted for Phelan's second-degree murder and manslaughter on October 24, has repeatedly refused *Irish Voice* requests for interviews. He claims that Phelan, whom he was escorting to a Bronx apartment after a night of drinking in an E. 206th Street bar, grabbed his service revolver and committed suicide.

Ms. Gentile's (separate and previous) case against Molloy stemmed from the December, 1989, arrest by Molloy of New Jersey man Richard Deagle, a member of the activist group ACT-UP. Officer Molloy charged at the time that Deagle, who was taking part in an ACT-UP protest outside St. Patrick's Cathedral, assaulted him, which Deagle denied. When Officer Molloy failed to appear at 12 consecutive court hearings, the case was



Patrick 'Hessy' Phelan: was allegedly murdered one year ago.

responsible.

Still, more details about Molloy's professional history demonstrate that Molloy could have been, according to Ms. Gentile, a "cowboy."

On March 3, 1993, NYPD doc-

Molloy was not charged in the killing of Santamaria, an ex-con with homicide and an attempted homicide on his rap sheet.

In addition, a witness to the January 21 Phelan incident has told NYPD's Internal Affairs Bureau that Molloy attempted to intimidate him the night of the incident, allegedly telling the witness, who was in a room adjacent to the one in which Phelan died, to tell investigators he heard nothing.

Also, friends of the late Mr. Phelan, who have petitioned the Bronx District Attorney's office in an effort to secure an indictment against Mr. Molloy, claim some of their group were intimidated by

Molloy outside a September 5 meeting on Bainbridge Ave. in the Bronx.

Pre-trial hearings against Molloy are scheduled to begin in March, and prosecutors say they are hoping for a trial beginning in April or

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— Attorney Laura Gentile, who interviewed Officer Molloy in 1991 on false arrest charges.

dropped against Deagle, who in return initiated charges of false arrest. Deagle's claim was ultimately defeated in May, 1992, when then-Appellate Judge Louis Freeh (the current FBI Director) ruled Molloy could not be held

uments reveal that Molloy shot dead Carlos 'Granson' Santamaria, in a Bronx apartment building. Molloy reported to superiors that he fired because he, and his partner thought Santamaria, a drug suspect, was pulling a gun. A knife, but no gun, was found on the dead man.

May.

Richard Deagle, whose false arrest suit against Molloy was defeated in 1992, told the *Irish Voice* when contacted at his New Jersey home that he, like his lawyer, was "not surprised" to hear of the murder charge against Molloy.

One Year Later, Phelan Family Hopes for 'Justice'

ONE year after her brother, Patrick 'Hessy' Phelan, was allegedly murdered by New York Police Officer Richard Molloy, Martina Boback of Connecticut says her family is "still hopeful for justice," i.e., a successful conviction against Molloy.

"We're still hopeful but it's been very difficult, especially with the one-year anniversary coming up next week," said Boback, whose brother was living in the Bronx when he was found dead, with a bullet in his head fired from Officer Molloy's gun, on January 21, 1996.

Boback and her mother, Derry resident Annie Phelan, were at the fore of a nearly nine-month effort

last year to get Molloy indicted by the Bronx District Attorney. The Irish American police officer denies the charge, claiming Phelan committed suicide after grabbing Molloy's gun.

"My mother is still taking it very bad, she has yet to put back on the weight she's lost since this happened, but she's hanging in there," said Boback.

Friends of the late Mr. Phelan, a bachelor construction worker and former Irish National Liberation Army prisoner from Derry, living illegally in the Bronx, say they will meet for a commemoration mass at St. Brendan's Church in the north Bronx on Sunday afternoon, January 26.