

Break in '95 Murder Case Shows Reverberations of Using a Cooperating Witness

By BENJAMIN WEISER

When Gilbert Vega, once a member of a Bronx narcotics gang called Sex Money and Murder, agreed to cooperate with the government against his former gang a decade ago, he met regularly with prosecutors to tell them what he knew.

But at one such meeting, in 2003, he also revealed a crime that apparently had nothing to do with his former organization: he said he and another man had once robbed and shot a livery cabdriver in the Bronx.

That disclosure, combined with new information that surfaced in May, led a federal investigator to discover recently that five people in the Bronx had been wrongfully convicted of the livery driver's murder; they were all serving long prison sentences.

The revelation has offered a rare look at how information from cooperating witnesses in

criminal prosecutions can reverberate far beyond the case in which the witness is charged.

"This proves that it's not just about collecting information," Steven M. Cohen, a former federal gang prosecutor in Manhattan, said, "but it's about taking that information, understanding its significance and then getting it to a place where it can make a difference."

The case also shows what can happen when witnesses are not entirely truthful, as occurred early on in the extraordinary chain of events that now could lead to the exoneration of the five defendants convicted in the Bronx.

It was in May that one of the wrongfully convicted defendants, Eric Glisson, at Sing Sing prison in Ossining, N.Y., sent a letter that got to John O'Malley, a former Bronx homicide detective who joined the United States attorney's office in Manhattan in 1995 as an investigator.

In 1997, Mr. O'Malley had been involved in an investigation of the gang, also known as S.M.M.,

which operated in the Soundview section of the Bronx, and of its leader, Peter Rollock.

Mr. Rollock, known as Pistol Pete, was eventually charged with multiple murders, including some that he allegedly ordered from jail. He has since pleaded guilty and is serving a life sen-

A revelation about the killing of a cabdriver may free five people.

tence at the Supermax prison in Florence, Colo., with tight restrictions on his ability to communicate with others.

Mr. Rollock was feared on the streets, even by his own men, the authorities have said, and he had been accused of ordering killings of S.M.M. members who, he suspected, were cooperating with the authorities.

In 1997, one S.M.M. member, Jose Rodriguez, who had been indicted with Mr. Rollock, was cooperating. As part of his agreement with the government, he met with prosecutors in meetings called proffer sessions, many of which Mr. O'Malley attended.

Under the rules of the Manhattan federal prosecutor's office, Mr. Rodriguez was required to disclose all of his criminal conduct, including anything that the government was not aware of. "You have to give your whole litany of crimes before you can be considered a cooperator," Mary Jo White, United States attorney in Manhattan from 1993 to 2002, said in an interview on Friday.

Prosecutors must know everything about a witness who might testify for the government. The information is also provided to the defense at trial, and is given to the judge who sentences the cooperator, even if prosecutors ultimately seek leniency because the witness has provided assistance.

The information provided may

also help solve other crimes, leading to the prosecution of additional defendants.

But in his 1997 proffer sessions, Mr. Rodriguez did not disclose the role he had played in what turned out to be the murder of the livery driver, Baithe Diop, as Mr. O'Malley noted in a 12-page affidavit. In 2002, another former S.M.M. member, Mr. Vega, also started cooperating and began meetings with prosecutors that Mr. O'Malley also attended, he noted in the affidavit.

In a session in March 2003, Mr. Vega disclosed that he and Mr. Rodriguez had robbed and shot a livery driver in late 1994 or early 1995. Mr. Vega did not know the driver's name, nor was he certain about whether the driver had died.

Mr. O'Malley said in the affidavit that he and a prosecutor then visited Mr. Rodriguez in prison, and asked him about the new information Mr. Vega had supplied.

"Rodriguez reacted very emotionally to our inquiry and immediately confessed to his involve-

ment in the robbery and shooting described to us by Vega," Mr. O'Malley wrote.

They asked Mr. Rodriguez why he had not mentioned the robbery previously, Mr. O'Malley said.

"He stated that he did not believe that we would ever learn about this robbery, because no one knew about it except for him and Gilbert Vega, and they had both sworn to each other that they would keep the robbery and shooting a secret, for fear that they would be punished by Rollock for bringing unwanted law enforcement attention to the neighborhood."

Mr. O'Malley tried without success to identify the victim of the shooting by Mr. Vega and Mr. Rodriguez, but it was not until he received Mr. Glisson's letter years later that he made the connection. "I immediately recognized Glisson's general description of the crime as matching the robbery and shooting to which Vega and Rodriguez had confessed," he wrote.

Colin Moynihan contributed reporting.



Above, outside the "Artists Guarding Artists" exhibit at the Family Business Gallery. Right, Peter J. Hoffmeister, a guard at the Metropolitan Museum of Art, who said the Met wasn't sending a good message by keeping its Employee Art Show private.

A Private Show at the Met, Employee IDs Required

By COREY KILGANNON

The Metropolitan Museum of Art, one of the largest spaces in the world for the public viewing of art, goes to great lengths to advertise its shows, including dragging huge banners in front of its ornate facade on Fifth Avenue.

But on Monday, a new show will open there that museum officials want to keep as quiet as possible. They will not discuss it much publicly, and the only people allowed to attend are museum employees and their guests. It is the Employee Art Show, and while it is widely known among museum employees, it remains virtually unknown to the general public.

The show includes paintings, sculptures, videos and other installations, and accepts submissions from all employees. It is held every two years, and this year's show runs for two weeks through Aug. 19. It will include about 400 pieces, most of them made by the guards in blue blazers who stoically stand sentry over priceless works in the museum's public galleries.

This year's show is housed near the southwest corner of the

second floor, in one of the museum's most prominent spaces, the Iris and B. Gerald Cantor Exhibition Hall.

But the show opening on Monday will be hidden behind an unobtrusive door at which employees must present identification and must accompany their guests in the gallery.

Even tighter than the security, perhaps, are the lips of museum officials about the show. Harold Holzer, the museum's senior vice president of external affairs, initially said the show was a private event, and he would provide no more information about it.

Every one of the nearly 20 guards approached while working in the museum this week said they were forbidden to speak to reporters about the show, which is open during museum hours but also on Mondays, when the museum is closed to the public.

Fabian Berenbaum, president of Local 1503 of District Council 37, which represents many museum employees, did not respond to requests for comment.

But a few guards, reached by phone, agreed to speak. They are part of a group that founded an



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art journal called Sw!pe, after the museum kept the shows private and had held no employee show for several years before 2010.

"Most people would love it to be open to the public, and a lot of people feel that it's a shame that it's not," said Christopher Boynton, 45, a museum guard and a painter and photographer living in Astoria, Queens.

And Peter J. Hoffmeister, another guard, said that by keeping the show private, museum officials risked sending the message that "they don't want to validate the people who work for them."

"It's complicated to have art-

ists working for you who want their art on the walls — I understand that," said Mr. Hoffmeister, who has a small abstract painting in the museum show. "But as an artist I think it should be public, because keeping it private defeats the purpose of having an art show."

These two guards, who help edit Sw!pe, and others who would speak only anonymously, said that keeping the show private seemed odd in the New York art world, where the idea was to get as much exposure as possible.

The guards lauded the exhibition as a show of good will by museum management, and said that opening the show to the public would improve the museum's image. The show's organizers accept one piece of artwork per employee that "must be framed properly and ready for hanging" and "no larger than four feet in any direction, except for three-di-

mensional pieces," according to an e-mail on the guidelines obtained by The New York Times.

The last show, in June 2010, drew about 5,000 visitors, according to the e-mail, and nearly 700 attended the opening reception.

The 2010 show featured works including a miniature desk and a four-foot doll. There were live orchids in handmade boxes of Italian tile and a puppet theater. There was a wool suit lined in metal pins, original jewelry and canvases, prints, photographs and video installations.

As the Met prepares to open its show, a gallery in Chelsea, the Family Business Gallery, is holding an exhibition that features museum guards working in New York City and includes works by nearly a dozen Met guards.

Mr. Hoffmeister, 27, of the Inwood section of Manhattan, has a piece in the Chelsea show, which he curated: a print based on the museum's floor plan.

Mr. Boynton said some employees had often speculated about why the show was private.

"Maybe it's because they would have to insure the art in the show," said Mr. Boynton, who displayed a double portrait in the 2010 show. "Maybe it's that, if someone's artwork is shown at the museum, people may think it's being sanctioned by the museum."

Another guard, who asked that his name not be used, said, "It's very secretive because the museum management does not want to be seen as elevating the status of the work as art that is hanging in the so-called real museum."

Mr. Holzer said later in an e-mail on Friday that the art show was simply private and "not a matter of being secretive."

"This is a staff exhibition of, by and for the staff, so we can show each other our outside work. It's absurd to say this is a matter of secrecy."