

# Lawyer shreds cops' testimony

**S**teve Murphy smells blood. Here we are, last Monday in Queens Supreme Court, and the cop on the stand has contradicted himself at least three times.

Murphy, one of the best trial lawyers in New York, stalks across the floor in front of Judge Roger Rosengarten, lean and compact in an impeccable gray suit, and plants his feet like James Cagney.

"All right, lemme get this straight," says Murphy. "You're saying that you ran into the courtyard of a public housing project, at night, after receiving a 'shots fired' radio call, after hearing two gunshots yourself, and you never drew your weapon?"

"Yes, sir," answers Police Officer Nelson Sit.

"And you're saying that your partner, P.O. Shepherd, who is 25 feet ahead of you and chasing my client, didn't draw his weapon either?" asks Murphy, facing the predominantly minority jury, his back to Elaikim Johnson, his African-American client.

"That's correct."

"Is that because you weren't worried because the only one firing a gun when you got there was another cop, P.O. Ashton Philip?"

"No, sir."

"Isn't it also true that your story is a lie concocted by you and fellow cops to cover up for you and P.O. Philip firing your guns indiscriminately in a playground crowded with children?"

"No, sir."

"Objection!" shouts Assistant District Attorney Kevin Fogerty.

"Sustained," Rosengarten says.

But Murphy scores his point. In the morning session, Murphy spun P.O. Joseph Laviano's head like the kid's in "The Exorcist," catching him repeatedly contradicting earlier testimony.

## Testimony attacked

Murphy feels confident that the week before, he discredited the testimony of two other cops who participated in the arrest of Elaikim Johnson, a hip hop promoter arrested Aug. 16 in a Queens-bridge projects quadrangle.

Johnson was charged with attempted murder of two police officers during a basketball tournament that attracted 1,500 people.

"Not many people realize that attempted murder of a cop carries a life sentence in this state," says Murphy, during a break. "It's the same penalty as the murder of an ordinary citizen. I think my client is being jobbed, and I'm gonna do anything I can to walk him out the door."

Murphy exploded to national attention as the most flamboyant attorney at the infamous late-1980s Howard Beach and Bensonhurst trials. In both cases, only his clients were cleared of murder charges.

Brooklyn District Attorney Joe Hynes, the special prosecutor at the Howard Beach trial, has said that Murphy is the best trial lawyer he's ever faced.

In homicide cases, Murphy is 30-0. His next big murder trial will be defending Nikolaos Kotsopoulos, charged in last month's headline-making murder of his wife in tony Manhasset.

Will Murphy advise Kotsopoulos to cop a plea?

"You nuts?" Murphy asks. "We're pleading not guilty. All the prosecution has is circumstantial evidence. I interviewed his kids, aged 12 and 9, who were home at the time of the shooting. They say their father is innocent. That's enough for me."

"Murphy is better than 'Law and Order,'" says Edward Carrillo, Elaikim Johnson's partner in Lake Entertainment, a hip hop record label. Carrillo retained Murphy, who doesn't come cheap. "So far, he's caught every single cop in lie after lie."

"Murphy reveals the truth by exposing lies every single day," says Terry Johnson, the defendant's mother.

"He's showing that the prosecution simply has no case," says Larry Johnson, the father.

## Tough adversary

Even Assistant District Attorney Kevin Fogerty — who wouldn't discuss this case — acknowledged that Murphy was a fierce foe.

"He's a very aggressive, very accomplished trial lawyer," Fogerty says. "He comes extremely well-prepared [and is] a very good cross-examiner. You have to stay very focused against Murphy. But then no one ever falls asleep with Murphy in the courtroom."

With eight police officers lined up to testify against the suspect, few observers would give the defense much of a chance. But Murphy says the prosecution has not produced a single civilian witness out of a crowd of 1,500 people. The defense will march in a parade of civilian witnesses.

"The prosecution has no fingerprint evidence, no gunshot residue evidence on my client," Murphy says. "Their timelines don't add up. All they have is the Swiss cheese testimony of a collection of cops who are covering for two cops who fired their guns improperly in a schoolyard filled with kids. Thank God no one was hurt."

Murphy shrugs his shoulders, and adds, "Hey, I'm the son of a fireman. I like cops. I've successfully defended plenty of jammed-up cops. I've gone to fundraisers for Charles Schwartz, whom I think is innocent."

"I come from the street. My practice is in Brooklyn, where loyalty counts. But these cops and the prosecution are trying to put my guy in the can for life for something he didn't do. It's my job to keep them from succeeding."

Next stop, murder à la Murphy in Manhasset.

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