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MURPHY'S LAW

The Last of the Great Old-School New York Trial Lawyers

An attorney who isn't afraid to throw a punch still roams the courthouses of the city's outer boroughs, racking up big wins for bad clients.

DENIS HAMILL

Last month he delivered a not guilty verdict for a client who had signed a confession to firing a .9mm bullet into his girlfriend's head. Before that, it was a client arrested with a handgun hidden in a secret compartment of his car. Most criminal lawyers work out plea deals on cases like this. But many of the clients who pay top dollar to Stephen G. Murphy, Esq. because they intend to face a jury of their peers and the chance of a maximum sentence.

After racking up a 60-0 conviction record with one hung jury as a Queens prosecutor Murphy started winning acquittals for bank robbers, mobsters, white-collar criminals, jammed-up cops, drug dealers, smugglers, and killers.

Murphy boasts a 46-2 homicide trial record and, he notes, “one of the convicted guys signed a confession and left DNA at the murder scene.”

With New York’s historically low homicide rate today, juicy murder cases are harder to come by. “Most murders are committed by people who use Legal Aid lawyers,” Murphy says. “There have always been about 10 big murders a year committed by people who can afford an expensive lawyer to go to trial.”

I first met Murphy covering the racially-fueled Howard Beach murder trial in 1987, when five white teens were charged with chasing several blacks down Cross Bay Boulevard with bats, calling them “niggers.” One black guy named Michael Griffith, 23, wound up killed by a speeding car as he fled from the white mob onto the Belt Parkway.

The ugly incident and celebrated trial galvanized the city and the nation.

I covered that case for New York *Newsday*, in what seemed like an orderly by-the-book prosecution by special prosecutor Joe Hynes until Murphy stood from the defense table, a compact 5-foot-7 Irish welterweight packed into a sharp Armani suit who stalked across the courtroom well and began to scream at the top of his lungs inches from the prosecution witness, Timothy Grimes. Arms flailing, finger pointing, face as red as a stop sign, Murphy degraded the character and veracity of Grimes with such ferocity that the witness stormed of the stand. Murphy stood his ground, feet planted, fists balled, warning, “I hope you brought the knife you stabbed your girlfriend with because you’re gonna need it with me.”

The press and spectators sat spellbound. Judge Tomas Demakos hammered his gavel, ordering a recess. Then admonished an unfazed Murphy.

Throughout the trial Murphy delivered a James Cagney-caliber performance. Hynes objected, endlessly. The judge admonished him. The jury loved him. When the jurors returned with their verdicts for the five teens, only Murphy’s client, Michael Pirone, was acquitted. “Glad it’s over,” Murphy said.

What few people knew was that after the reporters and TV crews disappeared, for several years after the trial, Murphy attended an annual memorial mass for Michael Griffith, donating generously to his memorial fund, and became friendly with his mother, Jean Griffith Sandiford.

“Mr. Murphy did his job and did it exceptionally well for his client,” Griffith Sandiford told me about Murphy. “He was personally as disgusted as everyone else about the whole incident.”

Like Charles Dickens said, “If there were no bad people there would be no good lawyers.”

Two years later, two white teenagers would be separately tried for the racially motivated murder of a black teenager, Yusef Hawkins, in Bensonhurst. Murphy defended one of them—Keith Mondello. During the trial, a black spectator sucker-punched Murphy on the Brooklyn courthouse steps. The lawyer pulled off his suit jacket and gave chase down Court Street, telling the fleeing attacker he “hit like a girl.” Murphy’s client, Mondello, was acquitted of the top murder charge, but convicted of the lesser charges of riot, discrimination, and gun possession.

“No one is happier than me that there really hasn’t been another racial murder like those two in the city in the 30 years since,” says Murphy.

I’ve followed Murphy’s career ever since, watching him win a string of acquittals that have made him a legend amongst fellow lawyers and ADAs who come to his trials to watch him work.

One of those lawyers was a guy named Kevin O’Donnell whose mother had served on a jury at a trial where Murphy brought in a not-guilty verdict.

“My mother told me that if I ever got in trouble to contact a lawyer named Steve Murphy,” O’Donnell says, shaking his head. “She said I should try to be a lawyer like Murphy. I had heard a lot about him so I came to a few of Murphy’s trials and was blown away by how passionate, aggressive, and prepared he was down to the smallest detail that often catches a key witness in a lie. I have never seen anyone cross-examine like Murphy. Never seen any lawyer fight harder for his client.”

Today O’Donnell often sits second chair with Murphy, as when the legend in front of Hon. John B. Latella—defends Steven Diaz for the attempted murder and assault one of his girlfriend, Amanda Rivera, who was shot in the head in their apartment.

The last time I saw Murphy appear before Latella, his client had skipped bail and Murphy decided to defend his client in absentia, referring to an empty chair throughout the trial and summation.

“The year before I had won a homicide acquittal for the same client,” says Murphy. “But this time he went on the lam over a burglary trial. I think the prosecutor expected me to go through the motions in a two-day trial. But I’d already been paid in full upfront so I felt I owed my empty chair a full defense.” After a 10-day trial where he again shredded the police witnesses the jury came in and announced, “not guilty.”

Murphy had walked the empty chair.

Today, Murphy is dismantling the arresting detective sitting in the witness chair with a deafening, animated, withering cross-examination like a legitimate tough guy arguing on a street corner in Hell’s Kitchen where Murphy was born and raised before his FDNY Deputy Fire Commissioner father moved the family to Woodside, Queens.

“So you told my client who wanted to make a statement on videotape that there was no recording equipment in the 102 precinct,” Murphy asks Det. Khalid Ragab, the judge recoiling from the familiar volume that has not faded in all these years.

“Yes.”

“Not even your cellphone?”

“Correct.”

“Nobody in the 102 Precinct had a cellphone you could have used to videotape a statement from my client?”

“No.”

Murphy asks if it isn’t true that he did not want his client to use videotape because he would have told a different story from the written confession that he was coerced to handwrite as Det. Ragab dictated the words.

Murphy introduces documentation that two months before Diaz voluntarily went with police to the 102 Precinct the detective squad room had a brand new videotape recording studio installed.

“Well, we only use that for homicides,” the detective says.

Murphy smiles now, knowing how that sounds to a racially mixed jury that looks like it could have been picked on the 7 train in Queens.

He has told these ladies and gents of Area Code 718 that he might get loud and aggressive and not very nice to certain witnesses during this trial because his client’s life is on the line. He rhetorically asks the jurors that if someone were lying about them or someone they loved wouldn’t they want someone loud and aggressive and not so nice like Murphy fighting to disprove this terrible lie.

“Every juror I’ve ever asked said they’d not want me to be nice to someone who was lying about them,” says Murphy. “So they understand when I get loud, aggressive, and nasty in the courtroom. It also keeps them awake and attentive during long complicated trials.”

“You need earplugs in Murphy trials,” says Jack Warshawsky, the prosecutor on the Diaz trial. “And not just for the volume. Also for the wild things he says sometimes.” In this trial Murphy has alleged that the two detectives left Diaz, who they’d yet to arrest or charge, at Jamaica Hospital and rushed to the crime scene where they stole \$170,000 in cash and jewelry he’d left behind after Rivera was shot. As Murphy starts catching cops in glaring contradictions, obvious lies, and dozens of “I can’t remembers,” you can see jurors’ squirming doubts.

“All I need are reasonable doubts,” Murphy says. Before a uniformed cop named Alex Cruz who met Diaz at Jamaica Hospital testifies, he nervously paces the fifth floor hallway outside the courtroom. He sees O’Donnell returning from the men’s room. “Do you think you can cross-examine me instead of Murphy,” asks Cruz, still smarting from the previous trial.

O’Donnell just laughs.

Murphy crossed Cruz gently. Then tears into Ragab's partner Det. Timothy Harrington, leaving him like a blue puddle of contradictions on the witness box floor, muttering 54 "I don't remembers" that buzz past the jury box like contagious airborne felonies.

This is why when Judge Randall Eng, Chief Justice of the New York Appellate Division, Second Department, was recently honored at a Queens County district attorney's dinner he gave a speech in which he said that in his decades on the Queens Supreme bench he saw only three truly great trial lawyers. "Herb Lyon and Jimmy McArdle are gone," said Eng. "The only one still working is Steve Murphy."

Today, in Judge Latella's courtroom, Murphy puts his client, Diaz, on the stand, leading him through the night of the crime. The jury hears him admit he was a weed dealer but also hears him say how upset he was with his girlfriend's shooting, how he feared she would have died if he had waited for an ambulance. How he was coerced into handwriting the Det. Ragab-dictated confession after being grilled without sleep for 24 hours and not allowed to give a statement on videotape.

ADA Jack Warshawski skillfully cross-examines Diaz but cannot shake his story. Murphy then launches a one-hour-and-10-minute stem-winding summation, recalling without notes every detail of the trial the jury had witnessed over two weeks, woven into a coherent, compelling narrative with all the prosecution witnesses' lies, inconsistencies, and testimonial contradictions—all of it italicized by deafening outbursts and table-slamming outrage. "Please do your job after hearing all these disgusting lies and bring some truth and justice into this courtroom, thank you," Murphy concluded. Judge Latella charged the jury at 10:30 on a Tuesday morning. By 4:30 that afternoon, the jury acquitted Steven Diaz of attempted murder and assault one. They convicted him on possession of marijuana and weapon possession charges.

"The client was very happy," Murphy says. "He might get seven or eight years but he's already served 32 months awaiting two trials. Big difference between looking at five more and 25 more years. He'll still be a young man when he gets out." Anything Murphy wishes went different? "I wish there wasn't a young woman with a bullet in her head," Murphy says with a soft sigh. "That bothers me a lot. So do cops who lie to put innocent people in a cage. I like cops. I've defended a lot of cops who have been in the same spot and got them off. A lot of cops who I beat up on the stand ask me for a business card later on in case they ever get jammed up. I did my job on this one. But trials never get any easier."

When people question the morals of defense lawyers defending bad people, often getting guilty people off, Murphy shrugs. “When bad guys hire me, it’s not gonna be cheap,” he says. “So as a criminal defense attorney, I’m actually helping to fight crime by taking the profit out of it.”

Murphy has won acquittals in four trials so far this year, including an Albanian client charged with gun possession in the Bronx and a major heroin possession trial in Brooklyn for a client named Eddy Guzman who was stabbed to death in a club four days after Murphy walked him to freedom.