

SOME NIGHTS, SITTING IN ONE OF THE NOISY, smoky Irish bars along Bainbridge Avenue in the Bronx, you'd think you're in a pub in Derry, Northern Ireland, somewhere between Bogside and Creggan, instead of between the Bronx Zoo and Van Cortlandt Park. Martyred I.R.A. guerrillas stare somberly from dusty frames on the wall. Old Paddies with wrinkled faces deal cards on a wooden board pulled over the pool table. Rebel songs blare from the jukebox. This is not George Steinbrenner's Bronx, or Al Sharpton's. This is Bainbridge, one of the city's biggest Celtic portals, the last

stop on the D line, the first stop after Derry or Belfast.

It is an easy place to blend in, a safe haven for illegals, where "donkeys," as they called themselves, still hustle for day-labor jobs and pack the bus stops on Bainbridge Avenue, their pockets full of cash because they can't open bank accounts. Back when the old Comet Diner was open, INS agents regularly came by to round up a few waitresses before heading off to the construction sites and bars.

Hundreds of newcomers still pass through the neighborhood every year, and when one immigrant, a man named Patrick "Hessy" Phelan, was found dead with a .38 slug in his brain two years ago, the rest of the city didn't take much notice.

and neither does the city's medical examiner; nine months after the shooting, Johnson charged an Irish-American cop from the neighborhood, Richard Molloy, one of the most highly decorated patrolmen on the NYPD's force, with second-degree murder. Molloy, a tough-talking second-generation cop, is mad as hell. He says he's being framed by a vindictive prosecutor, and he claims that comrades of Phelan's are plotting to kill him if he beats the murder rap. The trial starts this week.

The case has torn at the tightly woven fabric of the Bronx Irish, very much along generational and class lines: the younger, newer immigrants, including many Irish militants like Phelan, against first- and

less friend of Ireland or a friendless, self-destructive drunk. Likewise, Molloy's either a model citizen and public servant or a madman with a gun.

IT WAS NEAR MIDNIGHT ON A BITTERLY COLD January 20, 1996. Officer Richard Molloy walked into the Oak Bar on 206th Street, where his girlfriend, a Derry native named Maggie McGrath, was tending bar. Phelan was there, muttering into his white Russian and singing "Joe MacDonald." He'd switched from bottles of Budweiser around 9 P.M. and was now well into his twelfth straight hour of boozing. He'd been fighting with the other customers and generally annoying McGrath.

She asked Molloy to walk Phelan up to her fourth-floor apartment across the street, where she used to let Phelan and other neighborhood drunks sleep off their binges. "I am a woman, and when you are in a bar and you are dealing with people that are very drunk—I just couldn't deal with it on that night," McGrath told a grand jury. "I said please, get him out of here."

Witnesses say Molloy, five feet nine, 142 pounds, grabbed Phelan, twisted his arm behind his back, and lifted him off the barstool. Phelan struggled briefly, and the two were arguing as they left the tavern. "Hessy was trying to wiggle out of his grip," a bar patron says of Phelan in court papers. It was just after midnight.

When they reached the apartment, Molloy says, he tried in vain to get Phelan to lie down and go to sleep, but the inebriated man repeatedly vomited, then got up from the couch, stumbled around, and made to go back out into the night. Molloy says Phelan was talking all the time, urging Molloy to marry McGrath, whom Phelan had known since she dated his best friend, a fellow patriot and prison-mate named Barney Logue, who'd died a year earlier.

McGrath's roommate, Cormac Lee, who was in the next room, heard the pair arguing, but couldn't make out what they were saying. He told prosecutors he heard Phelan mutter "Get the hell out of here" to the cop. The last thing he heard from the next room was "Go on! Go on!" Then, almost immediately, Lee heard the blast from a .38.

Like Phelan—and Molloy—Lee had been drinking that night; he was boiling potatoes in the kitchen after a late-night poker game with friends who'd just left

when Molloy and Phelan walked in. Lee said he ran into the room and saw Phelan, blood pouring from his head and mouth, gurgling and trying to breathe. He saw Molloy taking his hand out of the back of his pants, where he assumed the cop had put the weapon.

Molloy told investigators that Phelan had grabbed his gun and used it to kill himself.

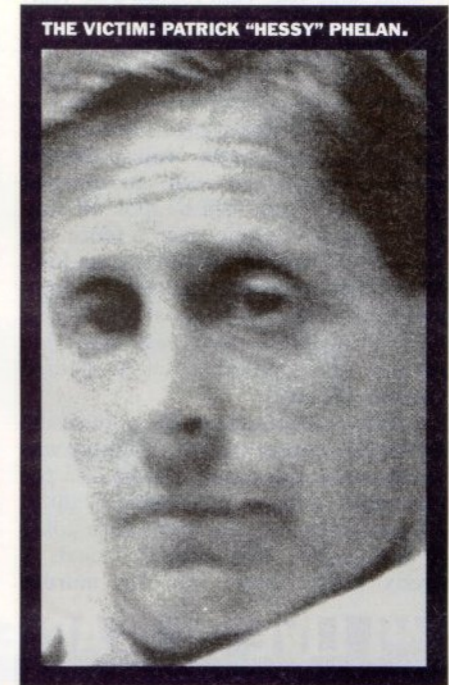
"I said, 'Jesus Christ,'" Lee recalls two years later. "Richie grabbed me and he says, 'Tell them nothing, you know nothing!' He was calm and cool. It was like he was looking at a half-bitten rat." Lee says Molloy told him Phelan had shot himself in the face.

At first, the cops accepted Molloy's version, and the death was treated as a suicide. But six months later, after Phelan's friends and family forced a re-investigation, city medical examiner Hedda Jindrak ruled the death a homicide, saying Phelan died of a full-contact wound to the head, after the barrel of the gun was wedged into the corner of his left eye. Court papers say that that the wound could not have been self-inflicted by a right-handed man. Hessy, who was so drunk that night he could barely stand up straight, was right-handed.

WHY WOULD MOLLOY want to kill Phelan? Proving murder doesn't require motive, so that's not a question the D.A. will have to answer. Which is fine with Assistant District Attorney Brian Sullivan, who's in charge of the case, be-

"I've always believed very strongly that this is what happened," says a neighborhood source close to the case. "Now, Hessy was a small guy, but a guy who broke chops. So Molloy is taking him to Maggie's house, and Hessy's the sort of guy who will say something like, 'If Barney was alive, you wouldn't get near Maggie.' Molloy pulls his gun and threatens him, and, you know, Hessy challenges him and then Molloy shoots him. I've always thought that's what happened."

Last month, McGrath married Molloy in a modest ceremony at the Brooklyn offices of the cop's criminal-defense attorneys. In the weeks to come, those attor-



THE VICTIM: PATRICK "HESSY" PHELAN.

HESSY PHELAN CAME OF AGE IN DERRY, Northern Ireland, during the mid-seventies, when the I.R.A. was culling martyrs from among the rock-throwing youth in small towns across Northern Ireland.

"He wasn't the greatest student in the world," acknowledges his sister, Martina Bobach of Stratford, Connecticut. "But he loved sports." And classes at the Longtower Elementary School in Derry never held his interest like the Troubles could. "At the time, [the I.R.A.] would offer to get the kids involved," Bobach says. "He thought it was great. He got all wrapped up in it and started coming home, saying, 'We have rights.' He felt it wasn't fair these people are getting treated this way, shot."

"In the beginning, it was just stone-throwing," she recalls. "But then, you know, it got more involved. My ma said he would go upstairs to bed . . . and he'd go out and jump the gate. He'd come home in the morning before she woke up. That's how it started."

FBI intelligence files show that the bureau considered Phelan to be a "major player in the I.N.L.A." Beginning in 1976, according to the files, Phelan was repeatedly jailed for rioting, hijacking, possession of explosives, and robbery.

One of the more popular stories that circulated about his exploits was that in December 1977, 20-year-old Phelan and another guerrilla, Colm "Rooster" McNaught, were tailing an enemy operative near the edge of the Catholic Bogside in Derry. Their target, according to friends of Phelan's, was a member of the notoriously fierce British Special Air Services. Suddenly, the SAS agent got out of the car, approached the pair, and shot McNaught dead at point-blank range. McNaught's blood spilled on Phelan, who jumped from his car to return fire, only to

"TEN YEARS IN EUROPE'S HARSHTEST PRISON DID NOT DENT HESSY'S WILL TO LIVE, SO EXPULSION FROM A CORNER BAR IN THE BRONX WOULD HARDLY TRIGGER AN URGE TO TAKE HIS OWN LIFE."

have his gun jam. The agent escaped, but the close brush with the enemy bolstered Phelan's reputation.

HESSY PHELAN WAS WELL known in the neighborhood. He was a stocky, friendly little house painter always looking for work, a barfly who crooned rebel ballads in all the local watering holes. At four feet eleven and little more than 100 pounds, he looked like a leprechaun, but in the working-class Derry neighborhood he left in 1987 to start a new life in America, he was a hero who'd survived a decade in a Northern Ireland prison.

Bronx district attorney Robert Johnson doesn't think Phelan committed sui-

second-generation families whose sons and brothers are police officers.

"People from my part of the world are a little more cynical about the police and authority because of where we came from in the North of Ireland," says Graham Friel, a friend of Phelan's and one of the owners of the Oak Bar, the last place he saw Phelan alive. "We weren't as likely to just accept the cops' word on things."

The Oak Bar closed soon after Hessy's death, in part because of the fallout from the shooting. The two couples who owned it—the Friels and the McAuleys—took opposite sides in the case and don't speak anymore, though they remain next-door neighbors.

Depending on whom you ask and which bar you ask in, Phelan was a fear-

cause he has only theories about why Phelan died in the living room that night.

Here's the best one: Barney Logue was a prison-mate and friend of Phelan's from Northern Ireland, an old pal from Craneywell in Derry, and a fellow operative in the Irish National Liberation Army, an extremist splinter group that broke from the I.R.A. in 1974. In December 1994, Logue died after falling down the stairs of Phelan's apartment building. He was drunk.

At the time, Logue had been dating Maggie McGrath—Molloy's bartender girlfriend—and Molloy now says that he and Phelan had feuded over her. Friends say Phelan adored McGrath, and he was not pleased when she took up with Molloy after Logue's death.

The lawyers are already trying to paint a picture of Hessy as a sad and broken man, just another casualty in the long and tragic Irish Troubles. After ten years in an Irish prison, after the deaths of several people close to him, he had little to live for. Ireland had broken his heart, they argue, and that is a story that many Bainbridge immigrants know all too well.

Phelan never talked about what happened in prison, says his sister, but when he finished his last sentence in 1987, he decided to leave Ireland and come to America. Even in the Bronx, though, he

lived and breathed the Irish cause, and the day he died, friends say, Phelan was unhappy because he couldn't get a remembrance in the Sinn Fein newspaper on the anniversary of Barney Logue's death.

"Death notices are a big thing in Ireland, more so than here," says *Irish Voice* columnist Brian Rohan, who says he doesn't know what happened that night in McGrath's apartment. "It's sort of a big thing, like, 'My boy's got ten remembrances.' And [Phelan] didn't get a memory of his friend in the *A.P./R.N.*" Rohan says one of the outbursts that got Phelan thrown out of the Oak Bar the night of his death was a shouting match he got into with a man who came into the bar selling the *A.P./R.N.*

But Phelan's mother dismisses the idea that he committed suicide. "Ten years in Europe's harshest prison did not dent Hessa's will to live," she wrote in an open letter published in the *Irish Echo* last September. "So expulsion from a corner bar in the Bronx would hardly trigger an urge to take his own life."

The case against Molloy is largely circumstantial, which may be why it took the D.A. nearly six months to bring it to a grand jury. Phelan's friends and family had personally petitioned the D.A. on more than one occasion (his mother flew over from Ireland twice), but it was only after they announced plans for a formal protest on the courthouse steps that a grand jury was convened.

Nearly a year after Phelan's death, Molloy was charged with the murder. In April 1997, the charges were dismissed for lack of evidence by a Bronx Supreme Court judge, but that decision was overturned on appeal and the charges reinstated.

RICHIE MOLLOY, 32, IS A SON of Bainbridge and the son of a cop. As a cop himself, he's made hundreds of arrests and received 74 commendations, including an Exceptional Merit citation, the second highest medal an NYPD patrolman can receive. "I didn't sit in my patrol car and read the newspapers and drink my coffee," he says, careful to add that he's not "knockin' other cops."

"I just wanted to catch bad guys—the guy who knocks over old ladies and steals their purses. From when I was a little kid, that's what a bad guy was."

He was a fresh-faced 20-year-old probationary officer in 1986 when his gun first went off. He had encountered a couple of Fordham students puffing on a joint outside a bar and warned them to put it out. They refused, so Molloy angrily grabbed it and snuffed it out

against the wall. Molloy says the two students came at him, so he identified himself as a cop and drew his gun. During the struggle, two shots were fired, neither hitting the students. The shooting was ruled justifiable.

Seven years later, in 1995, Molloy shot and killed Granson Santamaria, a suspected drug dealer who pulled a knife on Molloy's partner. It looked like a gun, Molloy said, but it turned out to be a pistol grip with a knife blade instead of a barrel. Molloy fired point-blank with his .38, killing Santamaria, who was later found to be carrying 400 "jumbos," or vials of crack. The shooting was ruled justifiable.

That same year, Paul Lipsey, a 20-year-old Bronx man with no criminal record, was carrying an illegal handgun he said he bought for protection after being mugged twice on the way to Staten Island, where he worked nights in a recording studio. Lipsey said Molloy and his partner spotted him with the gun and gave chase. Lipsey said he took off running, tossing the gun over a fence. As Molloy's partner pursued Lipsey on foot, Molloy followed along the street in a patrol car, firing four shots at the fleeing man through the open passenger side window of his patrol car as he steered with his left hand.

Molloy said the young man pointed the gun at him before tossing it. Lipsey was charged with attempted murder of a police officer, a felony punishable by up to 25 years in prison, but insisted on going to trial rather than cutting a deal. A Bronx judge threw out the murder

charge, calling the cops' version of the incident "incredible." Lipsey was found guilty only of possession of an unlicensed handgun. Nevertheless, the shooting was ruled justifiable.

Two years before the Santamaria shooting, a midtown tort lawyer named Laura Gentile had her own encounter with Molloy. Gentile, who specializes in police-brutality cases, deposed Molloy after he'd arrested Richard Deagle, one of dozens of ACT UP protesters involved in a 1989 demonstration outside St. Patrick's Cathedral. Deagle subsequently sued Molloy, the NYPD, and the city of New York for wrongful arrest, police brutality, and civil-rights violations.

Gentile says Molloy was surly and quick to anger during the deposition-taking. He disturbed her so much that she asked a male colleague, Gary Silverman, to sit in on the two days of depositions. At one point, Molloy fixed his gaze on Silverman and began angrily mimicking Robert De Niro's character in the movie

Taxi Driver, saying, "Are you looking at me? Why are you looking at me?"

"What I do for a living," Gentile told me, "is depose police officers and doctors . . . people who have a lot of self-confidence and are angry about being sued. I have never before had to ask a man to sit in on the deposition with me because I was scared. With no exceptions, every other police officer I've ever deposed has been professional. Evasive, but professional. This was scary. I waited until the case was over, and I went to Sam Moriber, the assistant corporation counsel. I said to him, 'Maybe you can do something about this guy. He's gonna kill someone someday.'"

MOLLOY IS STARING OUT the window of his lawyer's thirty-fifth-floor office into a torrential downpour in downtown Brooklyn. With him are his retired-police-sergeant father, Richard Molloy Jr.; his two lawyers; and Ron Cadieux, a well-connected former NYPD homicide detective turned investigator. "We're going to kick the shit out of them," Cadieux says of the Bronx D.A.'s office.

Molloy, in jeans and a turtleneck, is chain-smoking Marlboros and fidgeting. He speaks forcefully and with conviction, but you can see the exhaustion in his face when he talks about Phelan.

"I didn't kill this kid," he insists. "What Robert Johnson is doing—holding out hope to [Phelan's] family that he didn't

kill himself . . . what they're doing to his mother is almost as sick as what they're doing to my family." Molloy's parents had to put up their Scarsdale home last year when their son's bail was upped from \$25,000 to \$150,000.

For several hours, Molloy fields questions, his answers emerging slowly, wrapped in lengthy stories about the life of a beat cop in the South Bronx. But when the subject returns to Phelan, he stops fidgeting and looks me straight in the eye, frustrated, and says, "Look, I barely know this guy. Why would I go to the trouble of bringing the guy to my girlfriend's house and killing him with a guy in the other room? I must have walked 100 people out of that bar. You have drunks you have to put in taxis. I walked Hessa home the week before. There was no fight. I could have put him in my back pocket and walked him up the stairs."

Earlier, Molloy characterized his relationship with Phelan differently: "I loved Hessa as a friend," he told Gene Mustain of the *Daily News* ten months after the shooting. "He was a decent man. I still have a mass card for him on my kitchen table."

But now it's the death threats that really haunt him, Molloy says.

"This guy was a major player!" shouts defense attorney George Vallario. "What, you don't think there's gonna be fallout from this if Richie walks?"

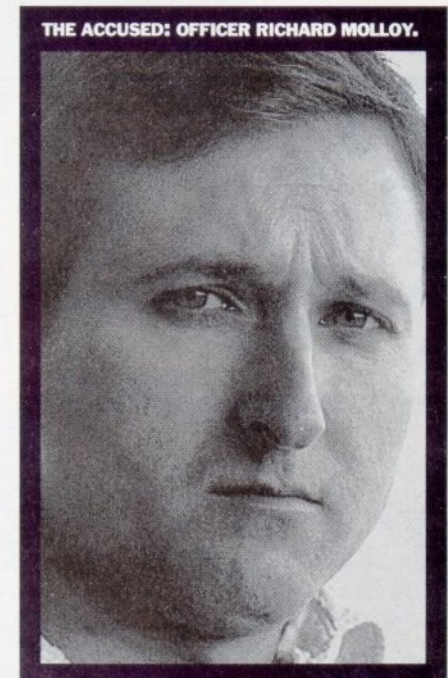
Since Phelan's death, Molloy says, "I live in fear every day of my car being blown up or being attacked. Me and Maggie don't go to Irish functions in the neighborhood anymore. I can't walk down the street in the neighborhood I was born in. I walk her kid to school and I look over my back."

"Do I think they'll kill me before the trial? No," Molloy says. "Do I think if I lose the job, will these guys have any qualms about shooting an ex-NYPD officer? No. Do I think it will be a sanctioned hit? No. I think someone will take it upon themselves."

According to people in the neighborhood, Molloy's fears are not entirely unreasonable. Bainbridge is a place where former I.R.A. operatives easily blend in with the other undocumented immigrant laborers, and many people claim to have heard stories of I.R.A. retribution enacted on this side of the Atlantic.

Molloy's father cuts into the conversation, saying that after the threats started coming in, he contacted a friend of twen-

I.N.L.A. started as a movement primarily organized by Seamus Costello, who was later assassinated by an I.R.A. member, says Bell. "It has continued to splinter into more and more factions that spend most of their time shooting each other. What I'm trying to tell you is that this group ate itself up. As they went on, they had less and less to do with politics and more to do with feuds. More and more, they've been supporting themselves through crime and drug-smuggling. They have never had much to do with things in



by the death of Barney Logue, and he was an alcoholic," says Rohan, the former *Irish Voice* columnist. "His friends'll tell you that he thought, *Why wasn't it me?* He's been arrested, beaten up, hauled in for questioning, and seen his friends killed by cops all his life. That sticks with you. He was the ultimate outsider. He couldn't go home; he didn't have a family here."

Phelan's father and uncle had also died in the months preceding the shooting. So when word got around in the community in the hours after his death, there was only mild surprise over what was reported as his suicide.

"Some of the people who are doing the most now [to see Molloy convicted] didn't have a problem with Hessa committing suicide initially," Rohan says. "Whenever I wrote about the case, I had guys coming up to me in bars patting me on the back, and I had guys coming up saying, you know, that they wanted to kill me."

SINCE PHELAN'S DEATH, A LOT has changed in Bainbridge. Dominicans and other Hispanics have increasingly moved in and taken root in the neighborhood, congregating on street corners where Irish brogues used to dominate and prompting many Irish immigrants and families to move on, up to McClean Avenue in Yonkers, the new Irish enclave on the Bronx border. Bodegas are popping up along Bainbridge Avenue. There's one next to the shuttered Oak Bar, and another around the corner.

Molloy figures his crime-fighting days

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"I CAN'T WALK DOWN THE STREET IN THE NEIGHBORHOOD I WAS BORN IN."

ty years who's "very active in Irish politics here," who he says told him there was a contract out on his son. He quotes the man, whom he declines to identify, as saying, "They feel one of theirs was killed and somebody's got to pay for it." Asked to intercede on Molloy's behalf, the man allegedly said, "There's nothing I can do."

Molloy's worries can easily be dismissed as a bid for sympathy, but the I.N.L.A. is, in fact, notoriously brutal and extreme, even by I.R.A. standards. It was one of the very last I.R.A. breakaway groups to accept the current cease-fire. "The closer you get to the present, the more criminal and mad-dog they've become," says Jay Boyer Bell, a former I.R.A. member and author of *The Secret Army: The I.R.A. Since 1916* and *The Irish Troubles*.

Still, Bell has serious doubts about an I.N.L.A. contract on Molloy's head. The

"Hessa was haunted by demons, haunt-

are probably over, conviction or no conviction. "I have no delusions about the Police Department. Do I think they're going to stick their neck out for me?" he asks. "No. Will I fight for my job? Yes. But I'm a smart guy. I've got a college degree. I'll find another job."

Law-enforcement officials familiar with the case predict an acquittal. "Bob Johnson has a duty to the friends and family to bring this case to trial . . . but it's mostly circumstantial," says one. "It doesn't make the case for 'beyond a reasonable doubt.'" The source says Molloy's lawyers are likely to opt for a bench trial, before a judge instead of a jury.

With weak evidence, he observes, the D.A. would do better with a jury, which tends to respond to an emotional appeal. "The facts are that Molloy and Hessa were the only two people in that room. And Hessa's dead."