

New York City and State to Pay \$6.7 Million to Settle Murder Conviction Lawsuit

By Benjamin Weiser

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New York City and New York State have agreed to pay a total of \$6.7 million to settle lawsuits on behalf of a Bronx man who served more than 12 years in prison before his murder conviction was overturned in 2007.

The settlements were reached with the widow of Israel Vasquez, a 35-year-old iron worker who was fatally shot in Upper Manhattan in December 2012, a homicide case that remains open, family lawyers said.

In resolving the suits, the city agreed to a settlement of \$4.9 million, according to papers filed recently with Judge Jesse M. Furman of Federal District Court in Manhattan. The state will pay \$1.8 million, according to a filing last week in the State Court of Claims.

The settlements are the first to be reached by the city and state in a series of lawsuits stemming from the investigation into two 1995 murders that occurred within days of each other in the Bronx, and which ultimately led to six people's being convicted and serving long sentences for crimes they said they had not committed.

The first killing was the execution-style shooting of a Federal Express executive, Denise Raymond, in her apartment; the second was of a livery taxi driver, Baithe Diop, who was shot twice in his cab.

Mr. Vasquez was convicted of Ms. Raymond's murder, and acquitted of Mr. Diop's killing. The five other defendants each served nearly 18 years in prison after being convicted in one or both of the murders; they were not released until much more recently.

In 2012, an investigator with the United States attorney's office for the Southern District of New York received a letter from one of the prisoners, Eric Glisson, saying he was wrongly imprisoned for the murder of a cabdriver. The investigator, John O'Malley, conducted his own investigation, and concluded that all five defendants still in prison — Mr. Glisson, Cathy Watkins, Devon Ayers, Michael Cosme and Carlos Perez — were innocent of the Diop killing.

Mr. O'Malley found that Mr. Diop's murder had been carried out by two gang members who later became cooperating federal witnesses. His investigation did not focus on the Raymond murder, but that case, relying on the same witnesses, eventually faltered as well. All five former inmates have pending lawsuits.

Mr. Vasquez's lawyers alleged in their suit that the principal witness against their client, a girl in her teens, had been coerced by the police into giving testimony that she later recanted — allegations the police and city lawyers denied.

Mr. Vasquez's lawyers called their client's case a double tragedy, noting that he was only 17 at the time of his arrest and that he began using drugs in prison.

"He went to prison an innocent man, and that's when he first tried heroin," said Earl S. Ward, a lawyer with the firm Emery Celli Brinckerhoff & Abady, adding, "Essentially, it became his escape from the horrors of prison."

Mr. Ward's co-counsel, Julia P. Kuan, of the firm Romano & Kuan, said, "No amount of money can right this wrong, but the city and the state, to their credit, have made the right decision in settling." Both law firms also represent Mr. Cosme and Mr. Perez in their lawsuits.

Nicholas Paolucci, a spokesman for the city's Law Department, had no comment on whether settlement discussions were occurring in the other lawsuits. "Matters are reviewed on a case-by-case basis, and settling this litigation was in the best

interest of all parties,” Mr. Paolucci said.

The federal filing notes that the parties are settling without admitting fault, and that the two detectives named in the suit, Michael Donnelly and Thomas Aiello, denied “any and all liability.”

The attorney general’s office had no comment.

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