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MIAMI'S POLICE CHIEF

Timoney testifies in Philadelphia

Miami Police Chief John Timoney takes the stand against a protester accused of throwing a bicycle at him during the Republican National Convention in 2000.

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Miami Police Chief John Timoney took the witness stand in Philadelphia Tuesday in a trial against three protesters, including one accused of throwing a bicycle at him, during demonstrations surrounding the Republican National Convention in 2000.

In a surprising twist, Timoney failed to identify the person who threw the bicycle. Four years ago in a sworn statement, Timoney, then Philadelphia chief, said the person who threw the bicycle at him was one of the defendants, Camilo Viveiros, although he also said then that he never saw his face.

Timoney's testimony, along with a videotape that contradicted police accounts, helped lead to an acquittal of the defendants, Viveiros, 33, of Providence, R.I., Eric Steinberg, 26, of Northern Liberties, Pa., and Darby Landy, 24, of Durham, N.C.

The verdict comes as Timoney faces criticism for police actions in Miami during the protests last year against the Free Trade Area of the Americas summit.

More than 200 people were arrested in Miami, with some cases just starting to come to trial. During about 40 minutes of testimony, Timoney said he did not see the person who had thrown the bicycle at him, according to an account in the Philadelphia Inquirer.

Just four years ago, during a preliminary hearing, Timoney said Viveiros was the person who threw the bike.

"I can't see his face, I just grab the leg," Timoney said in 2000. "He [Viveiros] hit both myself and officer Felder." Timoney said in an interview Tuesday that he still believes Viveiro threw the bike.

"I never saw him," Timoney said, but added, "there is no doubt in my mind he threw the bike at me."

Viveiros said his acquittal confirms that the police under Timoney acted improperly in Philadelphia.

"When Timoney left Philly, people proclaimed him as the 'top cop.'" Viveiro said. "Today he came back a flop. The truth came out. His is a pattern of abuse and of criminalizing dissent."

Timoney called Viveiro's comments "ridiculous." He said he respects the First Amendment protections for free speech, but will never allow violence.

"When it turns ugly or vandalism is involved, I have an obligation to protect my police officers and my city," he said. "In Philadelphia, 24 police officers were injured. Not one protester was injured."

Timoney said that although Viveiros and the others were acquitted, he still believes they committed the crimes. He said the defendants got off easily because a judge decided the case, rather than a jury.

"Just because you're found not guilty, doesn't mean you're innocent," Timoney said. ``I think the judge wanted this case to go away."

Just as he did during the FTAA protests in Miami, Timoney spent most of his time during the GOP convention in Philadelphia on a bicycle, actively patrolling the street demonstrations.

Timoney and other officers were trying to stop a group of vandals from flipping over a car on the fourth day of the convention.

When he grabbed one of them to make an arrest, a flying bicycle slammed into Timoney from behind and also banged up another Philadelphia police officer, who was knocked unconscious and suffered a concussion.

Viveiros, who works with tenants of low-income housing, faced the most serious charges, first degree aggravated assault and rioting, and could have faced up to 40 years if convicted.

Robert Levant, Viveiros' lawyer, said it was a fair verdict.

Timoney "had significant memory lapses on the witness stand today," he said.

"The judge took all the testimony into consideration and rendered a fair verdict," Levant said.