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Jim DeFede/In My Opinion
The truth is out, says man cleared in Timoney case

Camilo Viveiros wanted to lend his voice to those protesting at the Republican National Convention in Philadelphia four years ago. As an affordable-housing advocate in Massachusetts and Rhode Island, he believed the federal government should be doing more to help low-income families and the elderly on this issue.

But on Aug. 1, 2000, the man who had spent his life working behind the scenes found himself the center of controversy. He was arrested and accused of attacking John Timoney, at the time Philadelphia's police commissioner. Timoney claimed Viveiros picked up a bicycle and struck him and another officer with it.

In dramatic testimony at Viveiros' preliminary hearing on Aug. 9, 2000, Timoney, now Miami's police chief, described how he was blindsided by Viveiros as he was trying to arrest several protesters attempting to overturn a parked car.

IDENTIFIED ATTACKER

"At that point, I feel a bike come crashing down across my back," Timoney testified. He never saw the man's face, he said, but he immediately turned and grabbed the man's leg. Timoney repeatedly identified Viveiros as his attacker.

"I was on the ground, and I just held on to his leg, and he isn't going anywhere," Timoney said. Under cross-examination by defense attorneys, Timoney continued to identify Viveiros. He said that after he grabbed his leg, they all fell to the ground and Viveiros was ``subdued almost immediately."

Charged with assault on a police officer, Viveiros faced 40 years in prison.

Despite the assault charge, Viveiros has received support from members of Congress, as well as local politicians from Boston to California. They all extol Viveiros' character and community work and say they cannot imagine Viveiros being capable of such brutality against anyone.

Last week Viveiros' case went to trial, and the star witness was Timoney. But the defense team uncovered a critical piece of evidence, a videotape taken by a bystander, which they argued directly contradicted Timoney's testimony.

"Timoney said I was grabbed by him in the middle of the street," Viveiros recounted. ``We had this video which showed me clearly getting arrested on the sidewalk by two different officers, Timoney nowhere around. I was arrested in a different location than where Timoney said."

CAUGHT UP IN SWEEP

Viveiros said he never struck Timoney or anyone with a bike and got caught up in a police sweep. He believes Timoney accused him and other protesters of assault to deflect attention from the supposed abuses being committed by some police officers. Timoney, Viveiros said, wanted to portray himself and his men as victims. "Timoney has a very strong interest in publicity," Viveiros said. "Unfortunately, I was one of the scapegoats."

"Ridiculous," countered a Timoney spokesman.

After Timoney testified, a Philadelphia judge dismissed all of the charges against Viveiros and two other defendants. "Finally," Viveiros said, "the lies that Timoney threw at us have been exposed."

Timoney refused to be interviewed for this column. But his executive assistant, Angel Calzadilla, responding to my written questions via e-mail, said:

"When [Timoney] was asked in the preliminary hearing if he could identify who had struck him, he said yes, based on the fact that [the other officer] told him this was the guy."

And what about the videotape showing Viveiros being arrested by other officers on the sidewalk and not in the street as Timoney claimed?

"Chief Timoney states the offender was a mere width of a car away from him when he stood up and he was already in the officer's custody," Calzadilla wrote. "This all happened within seconds of the melee."

Viveiros is unimpressed with Timoney's latest statements.

"Timoney can say whatever he wants, but the truth is coming out," Viveiros said. "It came out in my case, and that's why I'm free right now."