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Transit workers dismantle the charred inner wall of a token booth at the Fulton Street subway station in the Bedford-Stuyvesant section of Brooklyn, Nov. 26, 1995, after attackers sprayed a flammable liquid into the token booth and lit it on fire, according to police. Prosecutors are disavowing the convictions of three men who spent decades in prison for one of the most horrifying crimes of New York's violent 1990s. Photo: Rosario Esposito/AP

The 'Money Train' Murder: Anatomy of Three False Confessions

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By Saul Kassin

On July 15, 2022, during an otherwise lazy summer Friday afternoon, Brooklyn District Attorney Eric Gonzalez moved to vacate the convictions of James Irons, Thomas Malik and Vincent Ellerbe for the 1995 murder of token booth clerk Harry Kaufman.

With the defendants' family and supporters in the courtroom, state Supreme Court Justice Matthew D'Emic vacated all three convictions.

What had gone so terribly wrong?

Crediting Conviction Review Unit (CRU) attorneys Eric Sonnenschein, Lori Glachman and Charles Linehan for conducting a thorough reinvestigation, Gonzalez concluded that there were "serious problems with the evidence on which these convictions are based." The centerpiece of that evidence—three confessions; the lessons to be learned are numerous.

(Disclosure: I consulted with the Brooklyn DA's CRU on this case; for a fuller account, their reports can be found on their [website](#)).

Here's the story in a nutshell: On Nov. 22, 1995, Columbia Pictures released "Money Train" starring Wesley Snipes, Woody Harrelson and Jennifer Lopez. Critics panned the film. According to Rotten Tomatoes, only 22% of critics gave it a positive review; the average rating was 4.3 out of 10.

What makes this movie memorable is a scene in which actor Chris Cooper robbed a New York City subway token booth by dousing the attendant with a flammable liquid, tossing in a match, and setting her on fire.

Four days after the film was released into theaters, at 1:40 a.m., a bulletproof token booth at a Fulton Street subway station in Brooklyn exploded, spraying glass and splintered wood everywhere, blowing out the clerk, Kaufman, and setting him on fire. Kaufman was ablaze, with burnt skin hanging from his body. "Someone blew up my booth," he told a female police officer who responded to a 911 call. "I'm hurting. I want my family. Please help me."

On his way to the hospital, Kaufman told a police officer that two Black men in their 20s had poured a liquid into the coin slot of his booth, causing the explosion that rocked the neighborhood. He managed to make his way to the street but died two weeks later. In what

looked like a noncoincidental copycat of the movie scene, reports of this heinous crime headlined the city's newspapers.

An investigation commenced immediately. Police recovered from the crime scene a military-style assault rifle, a clear plastic bottle with gasoline residue, a charred glove, and a book of burnt matches.

Witness reports yielded a handful of strong suspects, including three men nicknamed "Sport," "Crime," and "Biz" who were together at a party nearby and left shortly before the explosion. Sport displayed a rifle just like the one recovered from the subway—he and Crime closely matched Kaufman's description of the men who set the fire—and Sport, who had a history of transit robberies, was tentatively identified by a witness in a photo array.

Yet despite these promising leads, NYPD could not locate these individuals. Two weeks later, Brooklyn detectives turned their attention elsewhere.

On Dec. 13, based on a tip from an unidentified confidential informant, detectives sought out a teenager named Ricardo who lived nearby. By happenstance, they ran into 18-year-old James Irons, who lived in the same building. For reasons that are not clear, detectives locked in on Irons—a Black teenager who dropped out of high school, could barely read, and had no criminal history.

Delivered to the precinct around midnight, he was left alone in a waiting room while Detectives Stephen Chmil and Louis Scarcella interrogated Ricardo (Scarcella has been famously linked to numerous wrongful convictions).

Then at 1:30 a.m., Detective Michael Paul approached Irons and struck up a conversation about the explosion. Irons said he heard the blast from his third-floor apartment window a few buildings away and on the opposite side of the street.

Paul chose not to believe Irons and told him so. All of a sudden, by Paul's account, Irons made a spontaneous admission: "I was down in the subway station."

At that point, Paul delivered Irons for interrogation to Chmil and Scarcella, who lasered in on their new mark. They fed Irons details about the crime. At 3:10 a.m., they handwrote a confession and Irons signed it. That was followed by a typed confession. "I saw Vincent squirt the gas into the change slot," Irons was supposed to have said. "When Tommy got up to the change slot he lit it and there was a big explosion."

Then he added, "After the explosion, Tommy dropped the gun. We all ran out."

As per NYPD practice at the time, none of the interrogations were recorded. So when detectives testified that Irons volunteered these facts without prompting or pressure, the jury had no way to see for themselves.

The Irons family was skeptical, to say the least. “I bet you that half of the questions they were throwing at him, he didn’t even understand,” said his older brother. Irons pointed out that he called 911 from his apartment right after the explosion (records confirm that he did call 1 minute and 20 seconds after the first of 19 calls).

Yet the detectives showed no interest—Chmil said he never bothered to listen to the tape, a potential alibi—and the jury never heard it.

Three hours later, from 6:12 to 6:49 a.m., Assistant District Attorney Lori Grifa arrived to videotape Irons’ confession with his interrogators in the room. Irons alone was on camera, appearing soft-spoken, polite, compliant and almost robotic, as if in a daze.

For 47 minutes, he answered questions. Sometimes he stumbled. He tried over and over but could not recall the name of an alleged accomplice until Grifa came to the rescue. “Could that be Tommy?” she asked. “Yes,” he said.

After Irons confessed, detectives picked up 17-year-old Vincent Ellerbe who was in upstate New York, in Binghamton, with his girlfriend. Police asked him to return to the city, which he did. At that point, they picked him up at his home.

Just as Paul said of Irons, Detective Anthony DeRita reported that Ellerbe made a spontaneous admission practically after saying hello. “I guess I f’d up,” he allegedly said.

At 4:30 a.m., Ellerbe signed a confession that DeRita had written up. Two hours later, he signed a typewritten version of it. Again, none of this was recorded until ADA Jonathan Frank took a videotaped confession from Ellerbe at 10:18 a.m.—10 hours after he was hauled in. Again, the video image showed a compliant teen, seated upright, with hands folded on his lap as he answered questions in what became *his* confession.

With Irons and Ellerbe now locked in their respective cells, Detectives Chmil and Scarcella picked up 18-year-old Tommy Malik. Malik insisted he was with his girlfriend that fateful night. Without bothering to check his story, detectives plowed forward. Again, nothing was recorded until Grifa took his videotaped confession later that evening.

This session was at times hard to watch. For 50 minutes, Grifa tried to get Malik to say he was financially motivated to participate in a robbery gone awry, a story that would cohere with the confessions already taken (by my count, she introduced the word “money” 10 times, unprompted, before he parroted the word back even once). Her barrage of leading questions offers a tutorial on how not to steer a suspect’s narrative.

As with the Central Park jogger case six years earlier, I can imagine what the public was thinking at that time: Maybe police can get one innocent person to confess, but three?

I viewed these confessions carefully and made two observations: (1) None of the statements contained accurate crime facts that detectives did not already know or led them to new evidence

they did not already have; and (2) the statements were wildly at odds with one another on numerous core details.

For starters, all defendants minimized their own role. Irons said he was just a “watch out,” while Ellerbe called himself a “backup,” and Malik called himself a “lookout.” As in the Central Park jogger case six years earlier, no one confessed to taking the lead.

Collectively, the confessions made no sense. Irons named Ellerbe as the ring leader of the alleged group, yet Ellerbe named Malik and Malik named Irons. Irons said he was one of seven accomplices, including the two other defendants; yet Ellerbe cited a total of six accomplices and Malik said there were five.

Irons described the rifle and transparent container of gasoline found at the scene (as it turned out, Chmil had shown Irons a photo of the container), but Ellerbe and Malik said nothing about a rifle and described the container as white. With all these contradictions and inconsistencies, something was way off. And someone should have noticed.

Irons, Ellerbe and Malik were immediately arrested. All three defendants recanted and pleaded not guilty. Yet all inquiries into their claims—like the alibis they cited—were terminated. All efforts to locate suspects Sport, Crime and Biz ceased as soon as the confessions were taken. One year later, two Brooklyn juries convicted the boys of second-degree murder. They were sentenced to 25 years to life.

No physical evidence ever linked the defendants to this heinous crime. The only apparent corroboration was, as I stated in my report, “weak to nonexistent, if not outright suspicious.”

This included an eyewitness who was brought back to identify Malik, even after she had previously misidentified two unrelated suspects—including one who was in police custody in Baltimore at the time of the explosion. She then picked Malik out of a lineup in which he was the only person wearing a red shirt. Bullseye.

It also included a jailhouse snitch with a long history of pedaling false information about fellow inmates for personal gain. He was later fully discredited, convicted of false reporting and barred from doing so again.

The inhuman act perpetrated at the Fulton subway station that night and the unimaginable pain and suffering it must have inflicted on Kaufman and his family needed to be punished—but by punishing the perpetrators, not just anyone. When innocents are duped into confession, the real villains remain out on the street to victimize you, me and everyone else.

I do not know who killed Kaufman. But I do know that all efforts to locate Sport, Crime and Biz ceased as soon as the confessions were taken. That shift in direction may have proved tragic.

In 2019, criminologist Robert Norris and others examined 109 wrongful convictions in which the DNA later identified the actual perpetrator. In 102 of these cases, those perpetrators had gone on to commit a total of 337 additional offenses, including numerous rapes and homicides. When a

case is closed on an innocent person, or two or three, the violent perpetrators remain on the street, free and poised to reoffend.

Finally, the most important lesson to be learned is this: While it is tempting to lay full blame on Scarcella in the shadow of his sordid history, no single individual can have this effect. This is not a story about one bad apple in the Big Apple.

Scarcella had enablers, and lots of them—starting with his partner Chmil and other detective colleagues; into the DA’s office, which accepted the flawed confessions and alleged corroborating witnesses, without fully investigating plausible alibis; and through the trial and appellate courts, which repeatedly fail to serve as a safety net in cases involving coerced false confessions.

The system is broken and desperately in need of reform. The bare minimum place to begin is with the requirement that all interrogations be recorded from start to finish, every transaction, from a “neutral” camera angle that shows both the suspect and interrogators. This type of transparency holds everyone accountable for how a confession is taken and enables factfinders to better determine if it was voluntary and reliable.

This case illustrates well why video recording is necessary. No one can know for sure what happened behind closed doors. Malik claimed that Scarcella smashed his head into a locker; Scarcella said he merely punched on a locker for dramatic effect. Chmil said that Irons cried during the interrogation as an expression of “remorse,” yet Irons repeatedly used the word “scared” to describe his emotional state at that time.

Despite the ready availability of digital recording equipment in everyone’s pocket, many states still do not mandate this simple mean of protection. Although New York state did implement this remedy in 2018, you could drive a truck through the loopholes that excuse and hence permit the failure to do so (the suspect refused; the equipment malfunctioned or was not available; and, I kid you not, “inadvertence”).

The “Money Train” murder debacle took a bold reinvestigation and 27 years to correct. When it comes to these false confessions and their aftermath, there are essential lessons to be learned for anyone willing to listen.

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