

# Priest brushes off importance of hair sample

By Rob Cullivan  
Staff writer

ROCHESTER — As the prosecution prepared to wrap up its case against the four defendants in the Brink's trial this week, both sides gained and lost ground as proceedings continued in U.S. District Court, located in the Kenneth Keating Federal Building, 100 State St.

Facing charges in connection with the Jan. 5, 1993, heist of \$7.4 million from a Brink's armored car depot on South Avenue are Thomas F. O'Connor, a retired Rochester police officer and former Brink's employee; and three New York City-area residents: Melkite Catholic Father Patrick Moloney; Samuel Ignatius Millar, and Charles M. McCormick.

On Monday, Nov. 7, an FBI witness testified that a hair sample found in a plastic bag that was taken from the Manhattan apartment where some of the stolen cash was found was similar to a hair sample taken from Father Moloney.



**BRINK'S  
Trial  
UPDATE**

However, upon cross examination from one of Father Moloney's two defense attorneys, Jon Feldman, the prosecution witness, acknowledged that hair samples do not carry the same weight in terms of physical evidence as deoxyribonucleic acid samples.

DNA is an essential component in all living matter, and contains an organism's individual genetic code and hereditary pattern.

The FBI also never determined whether the hair sample found in the apartment came directly from Father Moloney when he was in the apartment, or was transferred there from another location, said David Wilson, a supervisory special agent with the FBI's laboratory in Washington, D.C.

During a trial break, Father Moloney brushed off any implications of an apparent match in hair samples, and noted that even if it was his hair, he didn't consider it much proof that he participated in the Brink's crime.

"It's very feasible that hair could be found there (in the apartment)," he said. "I don't think there's anything abnormal or at all extraordinary about this kind of thing."

Father Moloney has freely acknowledged that he subletted the apartment from McCormick, he emphasized, and added that he often used the flat for quiet time away from his ministry.

"Who knows when what got in," he concluded.

In other testimony Nov. 7, John F. Paulisick, an FBI expert witness, testified that tire-tread impressions left at the crime scene were similar in design to the treads on a tire that had been left by Millar in his apartment building's parking lot. The tire had been confiscated by authorities.

Paulisick, however, added that he could not say the design of the tire used by the vehicle in the heist definitively matched that of Millar's tire because the tire-tread impression left in the armored car depot garage was not long enough nor wide enough.

Friday, Nov. 4, saw defense attorney Anthony Leonardo and Assistant U.S. District Attorney Christopher A. Buscaglia energize the courtroom when they both questioned Louis Stith, an FBI special agent who supervised the Brink's investigation in New York City.

When cross examining Stith, Leonardo seemed, at first, to poke holes in an affidavit Stith had signed to obtain search warrants, stating that neither Millar, nor his girlfriend (and now wife) Bernadette Fennell had ever been seen going to and from work in 1993.

"Neither Millar or Fennell was ever seen going to a job during any of the surveillance," Leonardo read from the affidavit slowly and sarcastically, emphasizing each word.

But Buscaglia fired back when he noted that Leonardo had failed to read further on in the affidavit to a section revealing that Millar did eventually establish a comics store in Queens later that year. Buscaglia added that the affidavit's comments on Millar and Fennell never being seen going to work were only applicable to the first few months of the surveillance in early 1993.

"So, in reading these search warrants, we should read more than one sentence," Buscaglia said angrily. He then threw the document on a table before the judge's bench, and the document fell to the floor.

"Mr. Buscaglia — don't throw the evidence," said U.S. District Judge David G. Larimer.

Stith, however, did acknowledge to William Clauss, Father Moloney's other defense attorney, that the affidavit erroneously stated that the Melkite priest had paid for a \$26,000 Ford Explorer in cash, when, in fact, the priest had actually paid for the vehicle using \$22,500 in checks, with the remainder of the purchase paid in cash.

## General

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"The Jews, the Jews the Jews," Weinbach said of Hitler.

In March, 1941, the Weinbachs managed to flee Austria, after a failed attempt the year before. Stumpf had sent Weinbach a note urging him and his family to prepare to leave. Leaders of a Jewish community organization told Weinbach that, for reasons unknown to them, the Gestapo, of all groups, would make whatever arrangements were necessary to help the Weinbachs leave Vienna and move to wherever they wished to live.

The Weinbachs chose Japanese-occupied China, where one of Israel Weinbach's sons had gone before them, and wound up living in a city north of Beijing until 1947 when the family again moved, this time to Israel.

Weinbach's father passed away six months after the family made it to Israel, and Kurt eventually moved to the United States.

Although he never again saw the general who saved his family's life, he later found out that Stumpf's actions toward the Weinbach were characteristic of the noble man.

Although Stumpf was never caught by the Nazis, he actually played a part in the 1944 assassination attempt against

Hitler by his own generals, Weinbach's research revealed.

The general, who died in 1972, also saved the lives of many anti-Nazi Catholics and Protestants in Austria, Weinbach's research found, and the obituary written about the general probably best sums up Weinbach's own feelings toward the man who saved his life.

"He was always an Austrian patriot," the death notice read. "He used his position frequently to help people at great risk to his own life."

EDITORS' NOTE: "Heroes of the Holocaust" is available through London-books/USA, P.O. Box 96-0884, Miami, Fla., 33296-0884.

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