

Arson Case Re-Examined After Two Decades Shows Signs of “Hope”

The burning apartment building illuminated the small side street, casting flickering shadows that contorted along with the movement of the flames. The building’s wood frame was overtaken by fire at 3:42 in the morning, as the blaze climbed up the front of the building and towards the tenants in their apartments. On the second story, a man and woman were able to escape by frantically climbing down the rickety fire escape. One floor above them, a mother and daughter were forced to leap from their third story window, which resulted in hospital stays for both, as one broke her pelvis, and the other broke both of her legs.

After the New York City Fire Department received the first reports of a fire at 2 Hope Street, responders rushed to the building. According to the official Bureau of Fire Investigation’s report, on June 21st, 1994, the three-story walkup on 2 Hope Street in Brooklyn was engulfed in fire. Kevin Dolan, the lead fire marshal assigned to this case, discovered that this was no ordinary fire; it killed two people and injured many others. Tenants Sandra Lopez and Felix Rolan died of smoke inhalation.

Fire Marshal Dolan and other investigators started to suspect that someone intentionally set the fire after searching the charred remains of the building’s interior. They were not alone in this opinion. One of the building’s tenants, Jose Rivera, was not present on the night of the fire, but he went to the police as soon as he heard what happened. He told Brooklyn cops that he was certain this fire was arson and that he knew who was responsible: a resident of the Bronx, a man named Hector Lopez. Rivera told the police that he believed that Lopez was trying to kill him. Hours later, Lopez was charged with murder, arson, and assault.

Former NYPD Detective Louis Scarcella—who has come under fire in recent years for procuring false witness statements and fabricating confessions in order to secure convictions—is at the epicenter of this case. Many of his cases from the late 1980s and 1990s have been re-examined, which have led to numerous exonerations and retrials. Former Kings County District Attorney Ken Thompson created the Conviction Review Unit, an independent sector of the District Attorney’s office, to look into cases of possible wrongful conviction. Since its inception in 2014, the CRU has looked into over 50 of Scarcella’s old cases and have overturned multiple of these convictions. As of 2019, the CRU is currently investigating Lopez’s case.

Arson cases like Lopez’s destroy all DNA evidence which would otherwise implicate or exonerate involvement in the fire. Back in 1994, Scarcella claimed to have extracted a confession from Lopez. During the trial, he testified that Lopez tearfully admitted to possessing both kerosene and gasoline. Scarcella then claimed that Lopez ultimately threw a plastic bag filled with kerosene at the front door of 2 Hope Street, which caught ablaze. But this directly conflicts with the fire investigative reports which demonstrate that the fire started inside the building and that gasoline was used to start the fire, not kerosene. Lopez alleges that he didn’t even know a confession existed until his arraignment.

Since his arrest in 1994, Lopez has claimed that he had no involvement in this fire and that

Scarcella's confession is completely fabricated. He was even granted parole at his first official hearing in February of 2019, despite maintaining his innocence to parole commissioners. He was released from prison on the morning of June 24th, 2019 after spending a quarter of a century behind bars.

It is still unusual for felons to be granted parole after maintaining their innocence, especially for crimes of such a serious nature. "It's a myth that people are in prison claiming innocence all the time," said Daniel S. Medwed, a Criminal Justice and Law professor at Northeastern University. "Because, if they weren't innocent, they would have an incentive to acknowledge guilt to get out and go on parole. It doesn't make sense to claim innocence."

Lopez is no different and has refused to admit to any culpability or wrongdoing regarding the arson. But, that does not mean he is without fault. Lopez is rueful. Contrite. He claims to be a completely different person than he was a quarter century ago, a man who sold illegal weapons, got into fights on a whim, was unfaithful to his girlfriend, and talked about killing the mother of his children. He is resolute, and stands his ground, responding with, "Absolutely not," when asked if he set the fire at 2 Hope Street.

"Arson science is all based on the idea that you can distinguish accidental fires from intentional ones through either the presence of an accelerant, or the appearance of certain burn patterns that are consistent with an intentional fire," said Professor Medwed. He explained, "there have been a lot of evolutions in arson science in terms of what burn patterns are consistent with intent versus accident, and a lot of these old principles of arson have been demonstrated to be false."

Professor Medwed pointed out that old arson cases are being reinvestigated with fresh pairs of eyes who know about the new science. "What's happening more and more in these arson cases, is you're getting experts to look at the old evidence, and coming up with new conclusions," he said. Medwed believes that this process is how some of these arson cases end up getting reversed.

Fishkill Correctional Facility is innocuously placed next to Rombout Middle School. If guileless children are inquisitive enough, they can skip past the swings to the confines of the playground and attempt to peer past the silver barbed wire which surrounds the entire prison. What they may find in their gaze would probably not satisfy any burgeoning curiosity. Trucks occasionally whiz through the gates, dropping off people dressed in blue uniforms.

The trailer for incoming visitors at 9:30 on a bright Monday morning in April is unnervingly bustling. Female visitors carry suitcases and shopping bags filled with fresh produce and meats onto a belt to be checked by bleary-eyed guards, still not finished with their morning coffee. One woman, complete with a grimace of pink lipstick, crisp jeans, gold hooped earrings, and shiny black ankle boots, gestured towards her hermetically sealed, but very bloody, lamb shanks, presumably for her partner: "This is the only time I get to cook for him."

A small Malcolm X poster is strategically placed on the periwinkle walls next to the check-in desk, which spans almost the length of the trailer. The words “By Any Means Necessary” are spelled out in thick, white letters on the poster. A female guard glances at it while she scrambles to find the right keys for visitors.

Hector Lopez is sitting in one of the rooms used for legal visits, arms folded. He displays his six-foot height when he immediately stands up in greeting, his broad shoulders obstructing the light from the window behind him. He did not break eye contact as he stuck his hand out in greeting: “Hi, I’m Hector.”

Before incarceration, Hector Lopez lived in the Bronx with his mother, Antonia Traore, and worked at Arcension’s, a barber shop nearby. He had four children, two with each of his exes: Deborah Bethea-Duffis (néé Lopez), his ex-wife, and Christina Morales, his ex-girlfriend. Lopez’s relationship with Morales started to deteriorate in 1993, and he subsequently moved out of her home on Brady Avenue. Although the two of them kept seeing each other, Lopez admits, “I had quite a few girlfriends.” He met Carmen “Margie” Matos in 1993 after he began cutting her son’s hair. The two of them later started a relationship, unbeknownst to Morales.

Family court documents from January of 1994, indicate that an order of protection was taken out against Lopez by Morales. It is not clear why these protections were created. Though he was barred from having any communication with Morales, the two of them still saw each other. “I don’t know why she took [the orders of protection] out,” Lopez says. “You’d have to ask her. I’d go over to her house or she’d go over to mine and one thing would sometimes lead to another. She was the mother of my children.” Morales could not be reached for requests to comment.

Lopez stopped seeing Morales after he found out she was seeing a man named Jose Rivera. Though Lopez is “indifferent” when it comes to the conclusion of his relationship with her, it is likely that Morales felt different and was not ready to end things with the father of her children. Lopez believes that it was possible that she resented him for leaving their relationship. He admits that he “cared a great deal for Christina,” but knows that “once I get angry with people, that’s the way I become.” And, although Lopez claims to have borne no ill will toward Rivera or Morales, residual animosity still existed between them.

Police documents from May of 1994 show incessant back and forth reports of aggravated harassment and menacing against each other. One document from May 4, 1994, describes a menacing complaint that Lopez had taken out on Rivera and Morales. In the report, Lopez alleged that Rivera pointed a revolver at him and said, “If you ever talk to Christina again or try and see your daughter, I’m going to kill you.”

In a violation of an order of protection from May 24, 1994, Morales claimed that Lopez attempted to “strike” her when she went to pick up their daughter Jazmine. Another document,

dated May 31st, 1994, states that Morales “fear[ed] for her life” after she claimed that she caught him driving around her neighborhood in what she saw as an attempt to stalk her. “I was never violent with her,” Lopez maintains. “I never hit her,” he maintains. And as for all the driving by, “I lived in the neighborhood,” he reasons.

That same month, Rivera alleged that Lopez brandished a silver gun at him outside of Lopez’s daughter Jazmine’s school, St. Dominic’s. According to Lopez, he was there to pay for Jazmine’s school uniforms. Upon arrival, he saw Rivera carrying Jazmine and asked him to stop. “The incident at the school was the only time I ever spoke to him directly, or indirectly,” Lopez remembers. But Rivera immediately called the police, and when officers showed up, Lopez and his car were searched. The police did not find a gun on him.

A fourth document details a complaint Lopez made against Morales. In the document, Lopez claimed that Morales had been leaving him voicemails, saying, “You gonna be killed.” Lopez also alleged that Morales called police on him, to check for a gun in his car, presumably referring to the incident at St. Dominic’s.

Another complaint made by Lopez details an alleged incident from May 30th, 1994, where he alleged that Rivera “produced a black handgun” and threatened that he’d kill him if he tried to see Morales. A final police report from May 31st, 1994 details the outcome of the subsequent investigation on these violations. The document suggests that Lopez had “legitimate business” being in Morales’ neighborhood, as they both lived in the same area. The report also details that Lopez “did not make any overt move to intimidate” Morales, refuting her initial claims of a physical clash. The case was classified as “closed as unfounded.”

Lopez remains under the impression that Christina Morales believed him to be capable of the violence he was being accused of and had told Rivera about his past run-ins with the law. In a police interview the morning of the fire, Rivera told a Detective Murray of the 90th Precinct that Lopez was “currently on parole” because he “shot either a parole officer or a correction[al] officer.” Lopez says that these statements are simply untrue, though they do refer to accusations made against him in 1990.

Lopez was involved in a public fight outside of a gas station in 1989, which resulted in a stolen gold chain and the hospitalization of a man beaten so badly he became comatose. The assault and robbery happened two years before he was charged. “I don’t even remember why this fight occurred, although it probably had to do with male bravado,” Lopez recalls. “That’s kind of the type of guy that I was. I never really needed a reason to fight back then.” Lopez’s friend Robert Nazario had called him and asked him for backup. “I was going over there to help if things got out of hand,” he says.

Lopez claims that no one involved in this fight knew who he was, which is why he was not initially arrested. He left the scene before the police showed up. However, Nazario was arrested on a robbery charge—cops were not able to determine who had taken the piece of jewelry or

who was responsible for putting someone into a coma. Though Nazario tried to fight his arrest at trial, he was convicted and ended up serving time at Cocksackie Correctional Facility.

About two years after this incident, Lopez alleges that he was involved in another fight, this time outside of a bar called Sully's, in Eastchester, NY. He remembers about 75 people witnessing this fight with an off-duty correctional officer, Scott Barker. Nazario, who was out on bail at this time, was also in attendance. During this fight, Barker was stabbed in the neck. He succumbed to his injuries and died hours later.

Although he swears that he was not the one to deliver the final blows to Barker, Lopez feared that he would still be arrested for the murder. He asked Nazario, whom he had loaned money, to repay him for some "business transactions" that the two men were involved in. Lopez admits, "Rob Nazario and I were supposed to meet at a bar so he could give me money. But, when I showed up, the cops had me surrounded."

Lopez believes that Nazario had preemptively gone to the police. He informed them that Lopez had stabbed Barker and was also involved in the gas station fight two years earlier. Lopez explains, "So, when finally they arrested me, they had both of these cases that are already open, so they charged me with the murder of the correctional officer and they charged me with the assault and robbery of this other guy." In Lopez's eyes, Nazario saw an opportunity to lessen his own pending prison sentence. Nazario also wanted to shift the concentrated suspicion on Barker's murder off of himself, and onto Lopez.

After Lopez was arrested, a witness at the scene outside Sully's came forward and affirmed that Lopez was not the killer. She had seen someone who was next to Lopez run to his car, take out a knife, and then swiftly stab Barker. The DA's office dropped the murder charges against Lopez, but he did get convicted for the assault and robbery. He spent 18 months at Sing Sing Correctional Facility. The murder case remained open until 2006 when Robert Nazario admitted that he was the one who actually murdered Barker in the fight. He was convicted for second-degree murder and is currently serving his sentence in Green Haven Correctional Facility.

On the night of June 20th, 1994, Lopez and his girlfriend Margie Matos had a disagreement, and he left their apartment. Lopez claims that he didn't really have a fight with Matos. "I used to be pretty childish in many ways. I was pretty challenged in many ways. If I didn't get my way, I wouldn't come back for two weeks or three weeks. That wasn't exclusive to Matos, that was with all the women that I was seeing. I was just irresponsible when it came to relationships," he admits.

After leaving Matos' apartment, Lopez went to Lino's Tavern by himself to have some drinks. Upon his arrival, he saw his old friend David Mangual and sat with him. While at the bar with Mangual, a girl named Crystal Perez, who Lopez knew from the neighborhood, gesticulated to him from outside the window. She walked into the bar to talk to Lopez. He remembers, "She was having problems with her boyfriend who was African American. She was Latina, but she

had very light skin. Some of the people in their neighborhood didn't approve of their relationship." Lopez claims that he promised Perez he was going to help by talking to their neighbors. "We were such a close-knit community... It's only natural that people would intervene on someone else's behalf," he says. After they conversed, Lopez took her home in his car. Perez has since passed away.

Perez lived very close to Lopez's residence. "I was ready to leave anyway. I dropped her off at home. She was on Morris Park, which is not too far from where I was. I dropped her off and then went home," Lopez adds. Mangual left the bar shortly thereafter to go to work. He was employed at an illegal after-hours bar which rented space right down the street from where Lopez lived with his mother. Mangual saw Lopez park his car in front of his mother's apartment. As Lopez parked his car, Mangual called out to him, asking if he wanted to come into the bar to have a drink. Lopez refused him. "I had work at the barbershop in the morning," he says. He claims that he took a 10 minute shower and went to sleep.

This after-hours bar that Mangual worked at was on the same side of his mother's apartment building. Mangual claims to have witnessed Lopez park his car in a parking space opposite the building. He also alleges that he saw the car multiple times throughout the rest of the night and into the morning. "When I opened the door and came outside, I would notice that the car was there. I know the car was there, but it wasn't like I was looking for it. If it wasn't there, I would have noticed it, because he went and parked across the street from his house," says Mangual.

Many arson investigations from the 1990s have since been proven to have produced inaccurate results. Sergeant Daniel Tobin of the Los Angeles County Fire Department recounted that arson investigations started to change in the early 1990s. "Right around 1992, fire investigations became more science-based; but of course it took a decade for [the] new science to be accepted," he said. The most famous of these cases is Cameron Todd Willingham's, which took place in Texas in 1991.

On the night before Christmas Eve, Willingham's home went up in flames, and his three young children were all killed in the fire. He eventually became a suspect in the investigation and was convicted on arson and murder charges. Investigators believed that the char patterns they found at the scene, which were in the shape of puddles, proved arson and demonstrated intent. By 2004, numerous scientists had revisited the fire science used in the case and found it to be faulty, coming to a new conclusion: the fire might not have been intentionally set. These new standards questioned the old methods used and the initial determinations of that case. However, Governor Rick Perry refused to grant a stay in execution, and Willingham lost all of his appeals. He was executed on February 17, 2004. It was not until 2009 that the state of Texas agreed to reopen the case and later acknowledged that the evidence used in that case was faulty.

The fire on 2 Hope Street may be no different. Dr. Robert Till, Deputy Chair for both the Undergraduate Fire Science program and the Fire and Emergency Services Program at the John

Jay College of Criminal Justice, said that arson is “very difficult to prove and a lot of people are in prison right now based on faulty information [...] if you don’t have a picture of a guy lighting the fire it’s very hard to prove.” The science and investigatory protocols needed to demonstrate that a fire was intentionally set has significantly changed since the 1990s.

When they arrived at 2 Hope Street, firefighters witnessed heavy fire pushing out the front entrance door, which extended around the exterior of the building, and they saw thick smoke pushing through all the windows of the upper floors. Flames spread from the interior stairs on the first floor, to the second floor. The fire reached apartments on the second and third floors. Lieutenant Bryan Burke of the Valhalla Fire Training Company explained that, typically, a firefighter’s primary concern is to put out a fire after receiving the emergency call. “The first ones on the scene rescue people,” said Burke. Firefighters at 2 Hope Street clambered throughout the building, finding people to rescue. According to police reports, Salvadora S. Pineda, a resident of the building, was sent to Bellevue hospital with “two broken legs, an injury to her right knee and laceration over [her] right eye.” Christina Hernandez, another injured resident, was removed from the scene before the fire department arrived. One unnamed civilian had jumped from the building. Multiple FDNY firefighters sustained injuries.

In 1994, Fire Marshal Kevin Dolan examined the scene at 2 Hope Street to determine the cause and origin of the fire. At Lopez’s trial, Dolan was called to testify as an expert witness, even though his findings were essential aspects of the case. No other outside fire marshals or arson investigators were brought as expert witnesses during the trial, which calls into question the validity of his entire testimony.

Dolan told the court that he had been a firefighter for 14 years and a fire marshal in New York City for two years before the fire. In his testimony, Dolan explained his duties as follows: to investigate fires, by figuring out how they started and where they started. Dolan spoke about the special training he received: he had eight weeks of training in the fire academy. Then, he worked with a supervising fire marshal that looked over him. He had testified “as an expert in the area of cause and origin fires” two separate times besides this one.

Don Lester, a Cause and Origin Investigator with the State of New York, gave a run-down of how he would typically investigate a fire. First, “we are called to the scene to meet with those in charge. Then, we talk to the first-in crew to hear if they saw anything unusual; we will do a 360 of the house outside and then go inside and follow least to most damage, look for an incendiary, any accelerants.” In more suburban areas, Cause and Origin Investigators will aid police and firefighters in fire investigations, but unlike fire marshals, they cannot make arrests nor lead the investigation. Procedurally, however, much is the same.

During the trial, Fire Marshal Dolan testified that he had arrived at the scene at approximately 5:00 a.m. when he saw the three-story wood frame building on fire. He testified that “fire personnel were still extinguishing fires and overhauling, looking for any fires inside the walls” while residents and other fire department personnel were still at the scene. Dolan alleged that the entire building, with the exception of the basement, had “heavy fire damage” and “heavy

charring.” He described the entrance of the ground floor as having two wooden doors entering into a “small foyer.” There was another door after that, which took residents to a hallway and a staircase that led up to the second floor.

Fire Marshal Thomas Sabella of the FDNY explained how he would examine a scene after a fire: “you’re going to collect evidence if it needs to be collected, you’re going to do interviews of the occupants and of the fire department or other witnesses.” As he sat in the meeting room of his firehouse in Williamsburg, Brooklyn, Sabella described the kinds of questions an investigator might ask of the firefighters on the scene, such as “where did you see flames? Where did you see smoke? Did you smell anything when you came in? What did you see? What did you hear?”

After consulting with his supervisor and the four other fire marshals at the scene of the Hope Street fire, Dolan and other firemen went through all of the debris in the building. He testified that they would pick debris up by the “shovelful, go through it with [their] hands, smell it, and put it outside the building.” Then, the fire department’s photo unit took pictures of the scene, before Dolan began further investigations.

“When we investigate a fire, we want to do it without the bias of believing it’s arson,” said Sergeant Tobin. But it’s difficult for investigators from the 1990s to have this mindset. Paul Bieber, the founder and Director of the Arson Research Project, sees a recurring practice when it comes to fire investigations from over 20 years ago. “Back in the 80s and 90s, it was very common for fire investigators to go into a badly damaged room [from a] fire and see [some irregular burn patterns] on the ground,” he said. Bieber believes that these investigators would then come to the conclusion that the “only thing that could cause these irregularly shaped burn patterns [would be if] someone poured gasoline on it [to] light it on fire.”

Fire investigators who examined fire wreckages would then testify during arson trials that there was “proof” that gasoline existed at the scene from “visual examination[s] of the fire patterns, [that show] the burn damage and the holes burned through the floor, [which] can only be created by gasoline or an ignitable liquid like gasoline,” said Bieber. But according to Bieber, this testimony is not scientifically sound, although it was “very powerful testimony,” that juries believed, which led to many convictions.

This is exactly what happened at the Hope Street fire, as Dolan ultimately gave faulty testimony during Lopez’s trial. In both his trial testimony and the fire investigation report, Dolan asserted that he knew that gasoline was present based on the visual fire patterns at the scene. Bieber explains that “this is exactly the type of inappropriate, unreliable, unscientific junk fire science that [makes up] inappropriate testimony.”

During his testimony as an expert witness, Dolan explained how a fire started by an accelerant would travel very intensely and rapidly. The burn patterns he found were significant because they told him that a flammable liquid was introduced into the area. Dolan also claimed that he ruled out the possibility of an accidental fire, as the fire department

checked for electrical appliances on the floor and electrical wiring underneath, but found nothing. Bieber, who examined the fire science in Lopez's case at length, believes that Dolan's testimony was wholly misleading.

Dolan testified at trial that a physical examination of the building began at around 6 a.m. He first determined where to start the investigation, by looking for the lowest point of the fire, which he found to be at the doorway of the entrance. In his testimony, Dolan concluded that the fire was started by a flammable liquid. From the physical examination of the interior of 2 Hope Street, he located the lowest point of the fire to be at the doorway of the building's entrance. "Fire burns up," Dolan explained to the jury. The lowest point of heavy charring would then indicate where the fire was ignited. Dolan claimed that he found a piece of carpeting in the foyer that smelled of gasoline. After picking up the door saddle to the threshold of the doorway, Dolan also said that he noticed a heavy odor of gasoline.

Investigators make sure to take plenty of samples at the scene of a fire, especially if they think the fire was intentional. "If we're going to test a rug, we'll take a sample from one part of the rug and then we'll take the sample that has the ignitable liquid on it and you test it against the pure sample," Sabella explained.

Before the mid-1990's, fire investigations were not cohesive, nor were they accurately rendered. Jason Deese, a fire investigator with Envista Forensics in Panama City, affirms that now, "all fire investigators use the scientific method." Fire investigators today, whether in the public or private sphere, can follow the NFPA-921, a peer-reviewed standardized set of procedures for investigating fires. "It's pretty much our bible that we go by," says Deese. Though the NFPA-921 was released two years before the 2 Hope Street fire, it was not put into widespread use until many years later.

"Although the [NFPA-921] is not the law, it is a very respected guide," said Bieber. He believes that the guide was "specifically published because there was so little conformity to the standardized process in the investigation of fires and also explosions. So, when it was first published in '92 it was not well accepted by the fire investigation community." Bieber confirms that it also took around 12 years for the NFPA-921 to even be nationally recognized by fire investigators—and, this recognition occurred around a decade after the Hope Street fire.

Even with the NFPA-921 standardization, many fire investigators still trust their gut more than forensic analysis. Marion "Rocky" Farmer is a fire investigator of almost 50 years who currently works with Envista Forensics in Louisville, Kentucky. He doesn't have high regard for the guide, admitting, "a lot of us don't agree with it; there [are] a lot more steps and a lot more hoops you have to jump through." That being said, he still conceded that "it's not a bad thing, it keeps a lot of innocent people out of jail."

Fire Marshal Dolan's initial report detailed that he and other members of the FDNY determined that the fire originated at the street entrance. Once the fire was put out, the detectives on site swept the area for evidence, which they brought to the forensic labs at the

NYPD. Detective Albert Miller filled out a Police Laboratory Analysis Report on June 22nd, 1994, using the evidence found at the scene: two plastic bags, one gallon of yellow plastic Prestone Antifreeze container, one envelope with a container with liquid in it, seven cans containing samples from the fire scene (wood floor, carpet, water, garbage, wood door), and one garbage can.

Don Lester, the Cause and Origin Investigator from New York, expressed the importance of obtaining samples from the scene, saying that investigators “have to take comparison pieces for the lab.” Once all of the samples are collected and the investigators are finished at a scene, they must fill out paperwork and document their findings. From there, the case goes to the District Attorney’s office, where investigators continue their involvement if the fire was indeed arson. Sabella described: “You go to the district attorney’s office and initially make an arrest, then you’re going to speak to the district attorney and they’re going to compile the charges. The defendant goes to arraignment and then from there [I’ll testify for] pretrial hearings, or a trial or plea.”

Detective Miller also tested the items eventually found in Hector Lopez’s car: one brown bag with a sunblock sheet, one brown bag with the driver’s car mat, one brown bag with three other car mats, and two white bags with a red container filled with two milliliters of an unknown liquid. They concluded that the liquid was not flammable, and only one of the cans contained a substance that resembled gasoline or a flammable liquid. They were also unable to detect any fingerprints.

William Buchim, an NYPD chemist who worked on this case, also testified as an expert witness. Similar to Dolan, Buchim was used as the only expert witness who spoke about forensic analysis. In his testimony, he revealed that he found traces of the chemical compound iso-octane from samples taken at the scene of the Hope Street fire. Buchim then told the jury that iso-octane is commonly found in gasoline, so he believed the presence of iso-octane indicated the existence of gasoline at the scene.

Iso-octane can be found in various household products, such as nail polish remover and wax, not just gasoline. Though Buchim indicated to the jury that iso-octane is commonly found in gasoline, he admitted to not knowing of any other common substances that include iso-octane when asked about it on the stand. It is possible that gasoline wasn’t even present at the scene of 2 Hope Street and, if gasoline wasn’t found at the scene of 2 Hope Street, this fire may not have even been intentionally set.

William Gammon, another fire investigator with Envista Forensics in Tustin, California believes that the state of arson investigations today has completely changed within the last 30 years, saying that they are now “more scientific than [they were] back [in the 1990s].” Gammon explained that science has monumentally improved: “There [are] things from then that they now proved to be false,” he said. For example, Gammon talks about the spalling of concrete, which occurs when water enters the concrete and causes it to peel, pop, or flake off. Investigators used to believe this indicated spilled gasoline at the scene of a fire. However, it has been discovered

that this spalling effect is actually caused by any moisture that is applied to a surface and does not prove intent.

At the scene of the fire, Jose Rivera spoke to Detective Murray at approximately 6:45 a.m. According to the police report, Rivera told the detective that he believed that “he was the target of arson” because he had been previously threatened by Lopez. Rivera subsequently went to the 90th Precinct, where he spoke to other detectives. Another police report from that day, at 8:00 a.m., details a menacing complaint that was made by Rivera. Signed by Detective Frank Gutierrez, it shows a backdated complaint from May 19th, 1994. In this complaint, Rivera alleged that Lopez threatened him with “a silver gun” at St. Dominic’s.

That morning, Lopez (who says he was at his mother’s apartment) was woken up by Rivera beeping his pager. “He’s talking nonsense, inviting me to fight,” he remembers. But the police already had Lopez’s mother’s apartment building surrounded from outside. Lopez believes that Rivera was trying to elicit a response from him so the police could arrest him outside of his house without a warrant.

Fire Marshal Kevin Dolan from the 90th Precinct knocked on the door to Lopez’s apartment with police enforcements from the Bronx’s 49th Precinct. He opened the door and was subsequently dragged into the hallway at gunpoint. Lopez says that he asked what was going on, and the police officers told him that they were there to arrest him on a menacing charge, presumably from the complaint Rivera made that morning. They apparently had evidence from the stop and frisk report, which Lopez believes was just a pretense to get him to Brooklyn. No one had said a word to him about the Hope Street fire.

Lopez was taken to the 49th Precinct in the Bronx at around 9:00 a.m. He was immediately suspicious. “Everyone seemed like little bees, all staring me down. I knew something was amiss,” he recalls. At the precinct, Lopez received a call from his sister where she asked about the menacing charge. He was then sent to the 90th Precinct; Brooklyn detectives drove into the Bronx to pick him up and transfer him. After waiting for some time, he was taken into an interrogation room. Detectives Richard Sullivan, Frank Gutierrez, and other police officers rotated in and out of the room, asking Lopez preliminary questions about his alibi and inquiring about his relationships with Morales and Rivera. According to Lopez, they also asked about the stop and frisk that occurred at St. Dominic’s school.

Lopez maintains that he kept asking the detectives if he was being arrested or charged with something. “I just wanted to leave the precinct. I’d been there for hours. I asked them if they weren’t going to arrest me, to release me. I told them if they were planning on arresting me, then to do it,” he says.

Detectives Louis Scarcella and Stephen Chmil then walked into the interrogation room. Lopez remembers Scarcella started to shmooze him by trying to talk about jogging and running marathons with him. Scarcella then moved on to more serious questions. He asked Lopez, “What role did you play in the fire?” and told him, “We know you were angry at Christina and

Jose.”

Lopez claims that he told both detectives, “I want a lawyer,” but, instead of offering him representation, Chmil offered Lopez a beer, which he felt obliged to drink. “Chmil came in with a six pack of Coors Lite,” says Lopez. “Maybe they thought they could soften me up with a beer and then I’d spill my guts out.” Sergeant Dennis Singleton then walked into the interrogation room and saw the beer. Lopez claims that the sergeant questioned both Scarcella and Chmil as to why they were offering alcohol to a potential suspect who was in custody but then left the room. Lopez alleges that both detectives told him, “you haven’t been officially arrested yet, [so] you do not have a right to a lawyer.”

Detective Louis Scarcella had been working at the Brooklyn North Homicide Task Force for nine years at the time of the fire. During the trial, Scarcella testified that both he and his partner Detective Stephen Chmil were assigned to investigate the deaths of Sandra Lopez and Felix Rolon. He was first told to “canvas” and scope the area, in an attempt to find any potential witnesses. Scarcella claimed that he and Chmil returned to the 90th precinct at 7:30 p.m., after not finding any witnesses. Scarcella alleged that around 8:00 p.m. that night, Detectives Richard Sullivan and Frank Gutierrez spoke to both of them for 10 minutes, where they were asked to go interview Hector Lopez.

In his testimony, Scarcella alleged that Lopez did not want to talk at first. But, Scarcella deposed that he knew Lopez was a barber. He claimed that he made a joke by asking Lopez if he could do anything with Chmil’s bald head. Scarcella said that Lopez then “sort of laughed and started to relax a little bit.” Scarcella also made a joke about Chmil’s weight, asking Lopez if he could believe that Chmil ran eight marathons, to which Lopez replied, “No.”

Scarcella claimed to have spoken to Lopez for around 15-20 minutes before he got into the “nitty gritty” of the case. In his testimony, he claimed to have read Lopez his Miranda warnings and said to him, “I feel that you were involved in this murder, and we knew you were having problems with your wife, the mother of Jazmine and Eric.”

According to Scarcella, Lopez then said, “Whatever I say now my life is over; I am never going to see my kids again.” Scarcella then claimed to have replied: “Do you want to see your kids?” Scarcella recounted how Lopez looked at him and said, “Detective, you are lying. I don’t believe you are going to get my kids.” Scarcella then told the court that he had a Detective Alongi transport Lopez’s children from the Bronx to the precinct, leading Lopez to apparently say, “Well, if you get my kids, I will think about it, and I will tell you what happened.” Scarcella then claimed that both Jazmine and Eric came to the 90th precinct at 11:30 p.m. that night.

Scarcella alleged that Lopez was still in the interview room when his kids showed up and maintained that Lopez had not yet been handcuffed. Scarcella told the court that he gave Lopez an opportunity to see his children: “The kids came in one at a time. Detective Chmil escorted the first one—I don’t remember who it was—to him. They hugged, they kissed, and whatever. I said okay. The other child then came in. He visited with that child. Soon thereafter they were

transported back to the Bronx.” Lopez disputes this, completely denying that he ever had contact with his kids. “I saw Jazmine through the window of the interview room but I was never with them,” he says.

After Lopez met with his children, Scarcella said that Lopez “started to cry.” He turned to Scarcella and Chmil and said, “You guys got it right.” Scarcella replied: “Well, then you did this, you started the fire, you wanted to kill Jose because he and his wife took your kids away.” Lopez then responded and said, “yes.”

Scarcella also testified that at around 2:34 a.m. on June 22, 1994, Assistant District Attorney Douglas Nadjari showed up to the 90th precinct, writing up charges and discussing what the charges would be. Scarcella then alleged in his trial testimony that Lopez said, *“I did it, they drove me to do it. I burned the house. They took my kids, they took my manhood. I drove my car. I had gasoline and kerosene. I had the kerosene in a plastic bag. I threw it onto the door and lit it with a match. I drove there in my car. It was just me. I think it was about 1 a.m. When I got there I parked on Hope Street. I threw the bag of kerosene at the door. It hit the door and fell on the floor and it broke. I threw a match at the door. The whole front of the door went up in flames. The gas in my car had nothing to do with it. At one time, I thought the fire went out but it didn’t. When the flames went up, I got scared and jumped back into my car and took off. I went to the corner of Hope St and another street that I don’t know the name of. I saw a police car. I stopped at a stop sign. The cops just drove away. I drove back to the Bronx. I did not tell anybody what happened. I feel bad. I feel real bad. I did not mean to hurt anybody. This is the truth, 100 percent.”*

Lopez believed that he was going to be able to leave after Nadjari arrived. “At this point, I thought that the DA was going to listen to me,” Lopez recalls. Instead, Lopez was led into a smaller room, adjacent to the interrogation room that had a camera where Nadjari started to Mirandize him. Lopez asked him, “Where is my lawyer? I’ve been asking for one this whole time.” At this point, the camera was shut off and Lopez was taken to central booking. “I never confessed to anything because I didn’t set the fire,” says Lopez.

Detective Scarcella’s statements directly conflict with the fire investigatory reports, as the “confession” that he alleged to have procured from Lopez makes the admission that kerosene was thrown at the front door of the apartment building, which ignited the fire. However, in both the investigatory reports and his testimony, Fire Marshal Dolan determined that the fire started inside the building’s entrance and also claimed to smell gasoline after the fire was extinguished. Even though Buchim’s report and trial testimony concluded that gasoline was present in traces of iso-octane at the scene of 2 Hope Street, that chemical compound is not even found in kerosene.

According to police documents signed by Detective Richard Sullivan and audio transcripts with Nadjari, from June 21st, 1994, Matos testified that on June 19th she and Lopez drove to Bear Mountain for a picnic with members of his family and friends to celebrate Father’s Day. She alleged that they used the burgundy-colored Buick they shared when they drove up to Bear

Mountain for the barbeque. She claimed that they took charcoal with them but had to borrow some lighter fluid from someone else for the barbeque. They did not return to the Bronx with any other liquids. She maintained that Lopez returned the lighter fluid back to the person from whom he borrowed.

In these sworn statements, Matos additionally told Nadjari that there was no lighter fluid, nor matches in the car. Upon arrival, Lopez and Matos had packed a cooler, grill, and charcoal for the barbeque. She claimed that these items were then taken back to the Bronx that night. They left the charcoal in the trunk of the car and took the grill back to Matos' apartment. After they got home from the barbeque, Matos told Nadjari that she gave her son a bath, cooked, and watched some TV with her son and Lopez. He slept over at her apartment that night, from Sunday into Monday.

Matos also alleged that they both left the house together the next day, June 20th, at around 10:00 a.m. She dropped him off at the barbershop, before going to the store. She was asked repeatedly by Nadjari if there was any lighter fluid in the car that morning. Matos replied with, "no."

She also told Nadjari in the transcript of this recorded conversation that she picked up Lopez from the barbershop later that day. They had a dinner of arroz con gandules at her house. After dinner, at around 7:00 p.m., she and Lopez sat down to watch T.V. but had an argument about sex. She said that they slept in different rooms that night; Lopez slept in her son Eric's room.

Matos recounted that she slept from 11:30 p.m. to 6:30 a.m. the next morning "without interruption." She claimed that she did not know where Hector was during those hours—she admitted that he was not there when she woke up in the morning. She said she beeped him on his pager around three times. Matos claimed that Lopez finally called her back on the third try, about ten minutes after the first attempt to contact him. She asked him to come to her house. He said "no," and hung up.

Matos said that she knew that Lopez was calling her from his house because she could hear his fish tank bubbling. She later called Lopez at about 8:00 a.m. He picked up and told her that someone was harassing him and that he was going to go to the precinct. She offered to go with him, but he declined. Lopez's mother, Antonia Traore, called her at around 11:00 a.m. to tell her that Lopez had been arrested. Matos also told Nadjari that she believed that Lopez left the car at his mother's house.

A man named Jeff Hayes also claimed to know about conflict between Lopez and Rivera. Police notes show that at 9:47 a.m., Hayes was arrested by Police Officer Roland Scott of the 90th Precinct on June 21st, 1994 for a burglary charge. The official police report signed by Officer Scott details that Hayes "forcibly entered" an apartment in Brooklyn "and was attempting to remove a radio." Then, Officer Scott's notes show that after 1 p.m., he spoke to Fire Marshal Dolan, who informed him that the "perp had info."

According to a police document signed by Gutierrez, he interviewed Hayes at 1:30 p.m., and

asked him “if he had any information about the fire that occurred at 2 Hope Street.” Hayes claimed that he knew Jose Rivera, and knew that Rivera was “having problems with somebody,” because he saw a man slash Rivera’s car tires a few weeks prior to the fire. Hayes told Detective Gutierrez that he would be able to identify this person.

Detective Gutierrez signed another police document from the same day, which detailed that both Jeff Hayes and Jose Rivera identified Hector Lopez in a police lineup at 4:50 and 4:55 p.m, respectively. In exchange for his identification, the burglary charge against Hayes was subsequently dropped. Hayes never even testified as a witness during the trial.

On January 4th, 1995, six months after the fire, both Detectives Scarcella and Chmil showed up to Lino’s Tavern. Lopez believes that they were there to investigate, as the phone number from the bar kept going off on Lopez’s pager the day he was arrested.

A police document that is signed by Scarcella and dated from January 6th, 1995, gives his account of the events that transpired at the bar. The document details that he and Chmil went over to Lino’s Tavern on January 4th, where he identified the owner of the bar as a woman named Maryann. According to Scarcella, Maryann claimed to remember Lopez as a regular at Lino’s. She also recalled seeing Lopez with “his asshole buddy,” David Mangual that night. Maryann also claimed that Mangual “served time” with Lopez.

It was pure chance that Mangual happened to be at the bar that day. The woman that Scarcella allegedly spoke to pointed to where Mangual was seated. “I remember I was there because it was right after Christmas, and I was at the bar settling my tab from a party,” Mangual confirms. And, Mangual says that Scarcella never spoke to the owner-- the woman was a bartender. “I know [the person Scarcella spoke to] wasn't the owner,” says Mangual. Mangual recounted that he and Lopez were old friends of Lino and Adrianna Ghozzi, the husband and wife who were the owners of Lino’s for years, before his son took over. While at the bar, Mangual claims to have met this “Italian mafia looking guy,” who turned out to be Scarcella.

“The bartender pointed at me to a detective, and he came over and started to ask questions about Hector, and if I knew Hector Lopez,” Mangual remembers. Mangual claims that Scarcella asked him if it was possible that Lopez moved his car during the night. “I told him that wasn't likely. In this area, once you move your car, you're screwed. You're going to have to park miles away,” he says. According to Mangual, Scarcella took down his name and information, and he gave Mangual his card. There was no mention of David Mangual in any police documents, let alone any of Scarcella’s documents. Mangual was never called to testify at trial. In 2014, Mangual signed an affidavit stating that he met Scarcella at the bar in 1995, deposing that he told him that he had seen Lopez’s car throughout the night of the fire, but never heard from him again.

Meanwhile, Lopez’s frustration grew exponentially after his arrest. “You're sitting in a cage, and you don't know where your life is going to go. What would be the limit to what you would do to get out of it?” he explains. “There were no results with the private investigator that I had, and I knew that people were lying on me,” he adds.

Lopez believed that he had no other options, and feared that testimony from Morales or Rivera would further hurt his case. He conspired with Matos and his cousin, Hector DeLeon, to kill Morales and Rivera, so they wouldn't be able to testify against him at trial. Unbeknownst to Lopez and Matos, DeLeon was acting as an informant for the Brooklyn District Attorney's office. In an audio transcript from April 18, 1995, DeLeon gave permission for Senior Investigator Steve Sutley to record a phone call with Matos and Lopez. The transcript detailed the conversation that took place, which was ultimately used against Lopez and Matos. During this phone call, Matos, Lopez, and DeLeon discussed the logistics of killing Rivera and Morales, and what they were going to do with the gun involved to kill them.

"It was probably the worst thing that I shouldn't have done," Lopez admits. "[Rivera] had me arrested for something that I didn't do. It was really frustrating at the time. I made a horrible decision, but I told them to go ahead and do it. I still feel the same frustration, even though I wouldn't go through the same means. But the frustration still feels the same when there has to be something out there, and people claim to help are not really helping," he explains.

Matos was arrested on conspiracy charges and sent to Rikers Island without bail, even though bail for this charge is usually set at \$1,500. Immediately after she got arrested, Lopez claims that he told Matos "don't talk about your case to anybody" because she had never been to prison before. Instead, Matos did the opposite.

Another transcript of a recorded conversation with Special Investigator Steve Sutley from May 17, 1995, details a conversation with one of Matos' cellmates, Elizabeth Millan. In this transcript, Millan informed Sutley how she and their third cellmate Linda Johnson met Matos in the Administrative Segregation Area at Rikers Island. The three of them spent a lot of time together. Millan told Special Investigator Sutley that Matos claimed that she plotted to kill Nadjari on multiple occasions and had started the Hope Street fire herself, among other things. "The story of hers took a life of its own," Lopez remembers.

Matos spent 90 days at Rikers before taking a plea deal, where she agreed to testify for the DA's office as their witness in Lopez's arson case. In trial transcripts from August 29th, 1995, Assistant District Attorney Deanna Rodriguez recommended that Matos' sentence be reduced to criminal solicitation after she testified as a witness for the prosecution over a four day period during Lopez's trial. Matos pled guilty to criminal solicitation and was sentenced to five years of probation. Lopez eventually pled guilty to the conspiracy to commit murder charges.

Lopez knows that the conspiracy charges make him look guilty, but is adamant that they should be viewed separately from the arson case. "The parole board tried to make it appear that the conspiracy was an admission of guilt. They said that the only reason why I wanted to kill [Rivera] was because I burn[ed] down his house. That could not be further from the truth," he says.

During Lopez's arson trial, Matos recanted the previous statements that she made to 90th Precinct Detectives and Nadjari, claiming that she only lied to "defend" Lopez. Trial transcripts show that Matos testified that she found Jose Rivera's home address and gave it to Lopez on June 2nd. In these court documents, Matos alleged that the two then drove into Brooklyn and made their way to 2 Hope Street, where she claimed that Lopez told her that he "was going to get" Rivera. She later testified that she went back to 2 Hope Street "a week and a half later" with Lopez where he pointed out Rivera's car before driving back to the Bronx. Matos also alleged that after the Father's Day barbeque at Bear Mountain, she and Lopez drove by Christina Morales' house before they went back to her apartment.

Matos testified that on the night of June 19th, Lopez left her residence at 11:00 p.m. However, he returned to Matos' apartment at around 12:30 or 1:00 a.m. to use the bathroom. After he finished up in the bathroom, Matos stated that she asked him "Are you going back to that—around that area again?" Clarifying to Assistant District Attorney Ama Dwimoh that she meant "2 Hope Street, Brooklyn," Matos alleged that Lopez told her, "You ask too many questions," and left.

Court documents additionally detail that Matos testified that, on the night of June 20th, Lopez left her apartment at 11:30 p.m. after an argument between them. In the early hours of June 21st, Matos claimed that Lopez called her at around 12:30 or 1 a.m. to ask her to throw him money out of the fire escape. She later testified that Lopez showed up to her apartment at 4:30 in the morning, "took off his clothes, laid down for fifteen minutes," redressed himself, and then left her apartment. Matos alleged that she followed him out of the apartment to his car, but he drove away.

After waiting for him to come back, she beeped him on her pager at around 6:30 a.m. After they briefly spoke, Matos claimed to have received a phone call with "someone screaming over the phone" and called Lopez back to tell him. Matos alleged that Lopez called her back at 8:00 a.m. and told her that he had spoken over the phone with Rivera. According to Matos, Lopez told her that "they got into [an] argument over the phone and that [Rivera] was talking about fighting." Matos testified that Lopez told her that he was being harassed by Rivera, and was going to the precinct "to take harassment charges against him."

After testifying against Lopez, Matos attended the adult psychiatry outpatient clinic at the Lincoln Medical and Mental Health Center for weekly group therapy throughout August and October of 1996. Her medical records show that she was diagnosed with "adjustment disorder with anxious mood" and Generalized Anxiety Disorder. Doctors had not yet ruled out the possibility of Borderline Personality Disorder. Her records indicated that this was a result of her being "forced to give false testimony."

More medical records detail that Matos made a suicidal "gesture" in 1995 in the form of ibuprofen ingestion but was not hospitalized. Matos' chief complaint was insomnia, explaining, "I don't sleep at night. I can't sleep at all since I was incarcerated for 3 months in 1995." The

report shows that Matos told her doctor that she was “encouraged to say her boyfriend threatened to kill her which coerced her into the plot, in order to clear herself” and that “she did what she was told, even though she had to perjure herself.”

A year after recanting her testimony, Matos signed an affidavit which claimed that during her preparation for testifying against Lopez, Nadjari “coached and forced [her] to lie.” She alleged that he additionally threatened her with the loss of her children and jail time. In this statement, Matos claimed that she was “terrified by the conduct of the DA’s office,” and that prosecutors “did not care what the truth was; all they cared about was convicting Hector Lopez, and they often repeated that they would do whatever it took.”

Mark Godsey, a former Manhattan prosecutor who now teaches law at the University of Cincinnati said that although prosecutors are supposed to carry out justice, “the culture becomes just about winning.” Godsey believes that this problematic behavior is not isolated, as prosecutorial misconduct used to be the standard. “Most prosecutorial misconduct never sees the light of day,” he said in a phone interview.

Prosecutorial misconduct is an “umbrella term that captures a range of errors that come at the hands of prosecutorial misbehavior,” explained Professor Medwed. “Under Supreme Court precedent, [attorneys] have to disclose evidence to the defense, that is both favorable to the accused, and material to guilt or punishment.”

The prosecutors involved in this case were no different, and they are also accountable for any misconduct done by police officers. Under judicial law, even if Scarcella didn’t inform prosecutors of David Mangual’s existence, they are still to blame for withholding evidence. “If the investigation and people working for the state collected exculpatory information, it has to be turned over,” said Professor Godsey. “The knowledge is imputed to them,” he explained.

Alejandra “Alex” Rueda, the Deputy Commonwealth’s Attorney and Victim Witness Director in Loudoun County, Virginia, confirmed that criminal investigations are collaborative efforts “because the police are [also] considered [to be] part of the state.” Rueda, who works as a prosecutor for the Commonwealth of Virginia, affirmed that prosecutors “need to make sure that [they] find out everything about the case. [They] need to make sure that if there is a detective assigned to the case, [they] don’t just ask him for a copy of his file.”

Rueda asserted that prosecutors should be reviewing all files, as it is “a duty [for all prosecutors] to go above and beyond.” Even if prosecutors don’t know about a hidden police report or if there is a “statement that a defendant made to an officer that the officer didn’t put in the report,” prosecutors are charged with knowing about it and can “get into trouble,” said Rueda.

Steven Chaikin, who was Matos’ lawyer after her arrest, described this case in a phone interview as “one of the most horrible prosecutions I have ever seen.” Although he couldn’t speak to the specifics of the case, he referenced Deanna Rodriguez as one of the prosecutors involved. “I’m sorry I got involved in that case,” he said.

It is not ethical for prosecutors to bully witnesses into testifying even though “it happens all the time,” said Professor Godsey. “It’s basically on par with the course. It’s very hard to win and get a conviction overturned when someone says, ‘I lied at trial, the prosecutors forced me into it.’ It’s nearly impossible.”

Jeff Schwartz, Lopez’s former defense attorney, thinks that it’s “highly possible, and even probable” that Scarcella forged Lopez’s confession. “I think the case is very much corrupted,” said Schwartz. He called Assistant District Attorneys Dwimoh, Rodriguez, and Nadjari “very heavy-handed.” Schwartz believes that many of the people involved in this case were “crooked” because prosecutors withheld important material that would have helped Lopez.

Before Lopez’s trial, a request was made by Nadjari to try both Lopez and Matos at the same time for the conspiracy to commit murder charges. The motion, which is dated from April 28th, 1995, made false statements regarding Lopez and Matos’ involvement with the Latin Kings.

The document is signed by Nadjari himself and states that both Lopez and Matos were in “affiliation with an organized criminal enterprise commonly known as the ‘Latin Kings.’” The document staked a claim that Lopez was also known as ‘Pito,’ “the ‘crown’ or leader of all Bronx County Latin Kings.” Matos, referred to as the ‘queen,’ was deemed as his second in command in the motion.

Lopez claims to have never been involved in any organized crime and believes that Nadjari made this accusation up in an effort to make him look worse to a jury. According to Lopez, Nadjari later withdrew the motion after Schwartz confronted him about the allegations made in the document. Lopez believes that Nadjari eventually admitted to having “no facts” or evidence to back up the accusations.

Though Nadjari currently privately practices law, he described the District Attorney’s office in a phone interview as being a “fair administration of justice.” However, when asked about Lopez’s case, he said with incredulity, “I remember Hector Lopez was a stone cold killer that was willing to kill his children so that a prosecution couldn’t go forward. And, I can tell you that there was also a conspiracy that he was involved in to get me killed.” He refused to answer any further questions regarding the Hope Street fire.

Lopez claims that he never talked about killing Nadjari. “I’d tell [Nadjari], to go back and look at the tapes,” he says. The available transcript with Special Investigator Steve Sutley does confirm this, as it only details Matos’ attempts to kill Nadjari and makes no mention of Lopez.

In exchange for her testimony, Matos claimed in the affidavit that she received multiple benefits, including a favorable plea for her conspiracy to murder charges. Matos also claimed that she and members of her family received money from the DA’s office discretionary fund. Lopez also alleges that Matos told him that before his trial, she disclosed to Rodriguez that she

was in possession of an illegal firearm, but it was hidden in a secret compartment in Lopez's car. Lopez says that the gun was eventually found, but Rodriguez never formally charged Matos and this was never brought up in court.

Lopez believes that Rodriguez deliberately hid this from the defense in an effort to present Matos a reliable witness to the jury. If this was done purposely to bury this information, it would be prosecutorial misconduct. "When the prosecution presents a witness, prosecutors have to turn over any evidence that the defense could use to impeach the credibility of that witness," said Professor Godsey.

But it is not only the reliability of Matos' testimony that is questionable. Neither Fire Marshal Kevin Dolan, nor NYPD chemist William Buchim, should have testified on the stand as expert witnesses on a case that they oversaw, especially since their testimony has since been proven to be faulty. Similarly, multiple firefighters who arrived at 2 Hope Street to put out the fire testified in court as witnesses for the prosecution, describing to the jury the smoke-filled scene and how they sustained injuries.

A firefighter in Westchester, New York recounted that "firefighters actually make the worst witness accounts" after an experience he had being interviewed by police. He was called to a suburban fire in Westchester eight years ago and watched the fire and smoke proliferating through the house's window from his truck. Upon entering the house, he said how he went up the stairs and turned the corner into a bedroom filled with smoke. He explained that his mask was so opaque, he "[might] as well [have been] blind." He was second on the hose, so after hearing the command to "get the bed," he picked up the mattress. Suddenly, all he could feel was heat, as if something could have been burning beneath the mattress, but he believes that there was no way he could know for certain because the smoke concealed everything in sight.

After putting out the fire, he and the other firefighters went back outside and were interviewed by the police. "They started with, 'hey this is what happened,'" detailing a story about how a resident in the house was dealing drugs, threw something under the bed, and ran outside. "They wanted me to confirm what they saw or as they wanted to see things," he admits. But, he points out how ridiculous he believes interviewing a firefighter is: the officer "was basically asking a blind man to bear witness."

When it comes to fires that are possibly arson, there is a balancing act of communication and command between fire investigators and police officers. According to Lester, Cause and Origin Investigators "work hand-in-hand with the police. They do all of the forensic testing and criminal investigation." However, they fill out their own report on the fire, which is separate from police documentation. Meanwhile, fire marshals like Sabella do not have to go to every fire. He will only go to a scene if there is a reported suspicion of arson and he ultimately determines if the fire was intentionally set or not. It's not a crime until we say it's a crime," explained Sabella.

Other investigators, like Detective John DiMare from the New York Police Department Arson and Explosion Squad, do not have the power that fire marshals do. “We are notified through the police, but the Fire Marshal has [the] final determination. We are basically a reference or subject matter expert,” said DiMare in his office. Detective DiMare explained that police don’t even pursue a criminal investigation if they disagree with fire investigators’ conclusions. “If we disagree on if something is arson, we just don’t prosecute,” he said.

If the fire marshal determines that the fire was arson, then “we file a report that says it’s an incendiary fire and we contact the police department,” said Sabella. But the police don’t investigate “every incendiary fire, [although] they’ll take more high profile or homicide involved cases.” Sabella explained that the NYPD will take the lead on a homicide investigation and “we’ll just determine the fire side of it, but we work together all the time.” Sabella said that he and other fire marshals “have a great working relationship with the arson and explosion squad.”

Fire marshals, like Kevin Dolan in Hector Lopez’s case, are heavily involved in the first moments of the case, up until it closes. A fire marshal’s testimony is mostly about “what led you to make that arrest,” Fire Marshal Sabella explained. “How you determined this was an incendiary fire and what evidence you collected [are essential to know] if it’s a criminal trial you’re going to testify [at],” he said.

Though Dolan and Buchim’s faulty testimony would not have solely convicted Lopez, their combined statements damaged his defense during the trial. Unlike the claims made by Detective Scarcella, however, the inaccuracy of their testimonies was a result of science that had not yet been disproven.

James Doyle, a fellow at the National Institute of Justice (NIJ), has indicated that Scarcella’s alleged behavior is part of a larger systemic issue that extends past the District Attorney’s office. After initial reports were published on Detective Scarcella’s misconduct, Doyle asserted that they weren’t surprising, adding that “this was not something where everybody was astounded and amazed when they heard about this. People pretty much [knew] that he was dirty and that was the story.”

Instead of continuously harping on Detective Scarcella’s alleged misconduct, Doyle believes that there are other critical questions that need to be asked, because “somebody hired him, promoted him, kept him around, the prosecutors used him and didn’t question him, the defense didn’t [effectively] catch him, [and] nobody ever disciplined him.”

Doyle has remained under the impression that Detective Scarcella didn’t act alone, as “a lot of people unwittingly help[ed] create a situation” where this behavior was acceptable. He explained that “finding one villain [to discipline or prosecute] in a wrongful conviction” does not solve the larger problem and only does “a halfway job.”

No other credible theories for the fire at 2 Hope Street have been presented, although Lopez believes that Rivera had a lot of enemies who could have set the apartment building ablaze. It's possible that the intended target(s) may not have even been Rivera, or that the fire wasn't intentionally set at all. According to Lopez, Rivera was rumored to steal cars and parts for his uncle who owned a chop shop. Lopez also alleges that Rivera was involved in running a car theft ring. Apparently, one of the other tenants dealt drugs. Lopez additionally claims that the super of the building converted apartments at 2 Hope Street into single living rooms, which violated fire codes.

Lopez also says that he was told by a friend in prison that Jose Rivera's mother, Justina Rivera, initially believed that someone else started the fire, which is why she never testified as a witness in court. Although Miguel Rivera, Jose's father, testified for the prosecution, his initial statements to police detail a different story. A police document from June 21st, 1994 details his interview with Detective Philip Gaubert. Miguel Rivera told Detective Gaubert that prior to the fire, he received a threatening phone call from "an unidentified male caller who stated, 'You put my brother in jail... I'm gonna kill you and your family.'" But Lopez apparently only has one brother, who has been institutionalized since the 1980s.

Lopez's own behavior appears to have changed within the last 25 years—he has obtained his GED, acquired two college degrees, worked in the prison's law library, and led positive thinking seminars for other inmates. He's almost grateful for his prison experiences, because they allowed him to further his education and positively impacted his life.

But the time he has lost is obviously something that he can never get back. Lopez has missed a quarter century of birthdays and funerals, along with the chance at being a father to his children, who have all emerged into adulthood.

"Exposing the truth exonerates me. But people do not really ask about all of the other questions that come into play here... The truth has not changed." says Lopez. "I'm going to fight this case until they put me in a box, or they exonerate me."