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Sotomayor Is Recalled as a Driven Rookie Prosecutor

By [BENJAMIN WEISER](#) and [WILLIAM K. RASHBAUM](#)
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In the early 1980s, the New York police were stumped by a violent crime spree in Harlem. Four killings. Seven other shootings. All in the course of at least 20 burglaries — during which the culprit seemed to float into tenement apartments and leave no sign of forced entry.

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Sonia Sotomayor, center, joined the office of District Attorney Robert M. Morgenthau, at right, in 1979. They are pictured with his staff in an undated photograph.

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The burglar — sometimes armed with two guns, sometimes with one — seemed to open fire for no reason. In a city buckling under the grim yoke of street crime and a drug plague, the random and wanton nature of the shootings startled even jaded New Yorkers.

Eventually, the police arrested Richard Maddicks, a drug addict, in the crimes. An athletic and acrobatic man and a longtime burglar, he was on probation when arrested. Mr. Maddicks had swung down from the rooftops or had nimbly traversed airshafts on narrow planks to enter the apartments and shoot and rob his victims.

He was called the “Tarzan Murderer,” and he was tried by two prosecutors, one of them a young woman from the Bronx, an assistant district attorney with a Yale law degree and no previous history of handling homicides. That prosecutor was [Sonia Sotomayor](#).

“Crime is always awful and exacts a huge toll on its victims, but this one was a step above — it was simply evil, and it affects you more profoundly than the run-of-the-mill crimes,” Nancy E. Gray, who started in the [Manhattan district attorney’s office](#) on the same day as Ms. Sotomayor, said of the case.

The 1983 trial lasted four weeks and had 40 witnesses, including pathologists, a ballistics expert and a cartographer. Ms. Sotomayor, who assisted a lead prosecutor in the case, handled half the witnesses. Her partner, Hugh Mo, recalled that one of her direct examinations of the sister of a victim brought every juror to tears. Mr. Maddicks was convicted and was sentenced to

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a prison term that will likely keep him behind bars for the rest of his life.

"I think she really stared down evil," Ms. Gray said.

That case was one of the "10 most significant litigated matters" that Ms. Sotomayor, whom [President Obama has nominated for the United States Supreme Court](#), listed on a [questionnaire](#) she filled out for the Senate Judiciary Committee. It was made public last week.

Although most of the 10 stemmed from her later private practice, she included two others from her days in the district attorney's office. One was a [child pornography](#) case; the other stemmed from a shooting in a housing project in Manhattan.

Ms. Sotomayor spent about five years as a prosecutor.

Interviews with her colleagues and supervisors painted a portrait of a frightened rookie prosecutor who quickly gained the confidence and the trust of others. She became a driven and focused prosecutor who easily fit in, whether in debating fine points of law with lawyers or judges or in interviewing a victim whom she perhaps recognized in broad outlines from her own upbringing in the Bronx.

"She had a foot in both worlds, and she was comfortable in both of those worlds," said Richard H. Girgenti, a former supervisor.

Peter M. Kougasian, a friend who attended Princeton and Yale Law School with her and joined the district attorney's office at the same time, in 1979, said he was struck by her maturity as a young prosecutor.

"When you walk into a courtroom and say you represent the people of the State of New York, I think for her that was not just an abstraction," he said.

"She had experienced so many aspects of life that make up a great city," he added, "that when she said that, you had the feeling that she knew what she was talking about in a way that the rest of us maybe didn't."

She joined the office out of Yale Law School, where, in 1979, an alumnus, [Robert M. Morgenthau](#), the Manhattan district attorney, was visiting and recruiting potential prosecutors when he ran into José A. Cabranes, then general counsel for the university.

Mr. Morgenthau asked Mr. Cabranes, now a federal appellate judge, whether he had any promising candidates for him. Mr. Morgenthau, a former federal prosecutor, was looking to upgrade the caliber of lawyers working in his less-glamorous state office.

"He said, 'I have one student who I don't think has ever thought of being an assistant district attorney, but I think it would be good for her and good for your office,'" Mr. Morgenthau said, recalling the chance meeting. "I told him to have her call me, and she did."

Ms. Sotomayor joined the office later that year. Crime in the city was a crisis. Drugs were tearing the fabric of the five boroughs. Dealers would set up shop on the top floors of tenements on the Lower East Side and lines of addicts would snake down the steps and outside onto the street.

An assistant district attorney in Manhattan was on the front lines of the fight against that chaotic and often violent life in the city. And resources were stretched thin. Prosecutors spent much of their time dealing with frightened victims, jaded police officers and reluctant witnesses.



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In a 1983 interview with The New York Times — part of an article on Mr. Morgenthau's office — Ms. Sotomayor recalled feeling “a tremendous amount of pressure from my community, from the third-world community, at Yale.

“They could not understand why I was taking this job,” she added. “I’m not sure I’ve ever resolved that problem.”

As a new assistant, Ms. Sotomayor was assigned to Trial Bureau 50, a unit of more than two dozen prosecutors who handled everything from misdemeanors to killings. Marsha Papanek, a prosecutor who was training Ms. Sotomayor, recalled her as “really impressive” but nervous as she was thrown into action, responsible for a whole calendar of cases, 50 or 60 of them.

“I just remember at that particular point,” Ms. Papanek said, “she was like all the others that start: scared to death to go in front of a criminal court judge.”

Warren J. Murray, Ms. Sotomayor’s supervisor for most of her tenure in the office, said she started with misdemeanors and handled everything from disorderly conduct to murder — “whatever comes in the door.” At the time, Mr. Murray recalled, “the problem was there were too many cases and not enough resources, and that included the police as well.”

But he recalled her standing fast before judicial pressure, which, he noted, was difficult because much of her work was before Justice Harold J. Rothwax, an unusually tough jurist.

Mr. Murray said she brought together a quick wit, a forceful nature and compassion. “She was tough — no nonsense — but also persuasive with people,” he said.

The prosecutors of Trial Bureau 50 worked in drab sixth-floor offices at 100 Centre Street in Lower Manhattan, sometimes sharing offices because of a lack of space.

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In one of her major prosecutions, Ms. Sotomayor helped win convictions of two men in a child pornography case. These were the first child pornography convictions in the state after the [United States Supreme Court](#) upheld New York's law that barred the sale of sexually explicit films using children.

"She had the jury crying about what these guys were doing to kids," Mr. Murray recalled.

Another case, a 1983 trial involving a shooting in a housing project, was challenging because of witnesses who had "significant credibility issues," she wrote in her Senate questionnaire. In the end, she convicted one of three defendants, but she impressed defense lawyers with her commitment and preparation.

One lawyer, Stephen Goldenberg, recalled the judge saying he would take up a legal issue the next day, and Ms. Sotomayor showing up in the morning with a formal brief on the matter.

"It took us by surprise," Mr. Goldenberg said. "We were prepared to argue the law off the top of our heads."

Later that year, in The Times's article on Mr. Morgenthau, she was described as an imposing woman of 29 who smoked cigarettes incessantly and spoke deliberately of how she had coped with the job.

"The one thing I have found," she said, "is that if you come into the criminal justice system on a prosecutorial or defense level thinking that you can change the ills of society, you're going to be sorely disappointed. This is not where those kinds of changes have to be made.

"It pains me," she said in the article, "when I meet particularly bright defendants — and I've met quite a few of them — people who, if they had had the right guidance, the right education, the right breaks, could have been contributing members of our society. When they get convicted, there's a satisfaction, because they're doing things that are dangerous. But there are also nights when I sit back and say, 'My God, what a waste!'"

Ms. Gray, her former colleague in the office, said, "I think she wanted to make sure that her cases were solid and that she was dispensing justice before just locking someone up or putting them away, as opposed to being an overzealous prosecutor who believed that if you were arrested you were automatically guilty."

In 1984, Ms. Sotomayor left the office to go into private practice, but she stuck with civil cases, not criminal defense work.

"She often said that she thought it would be very difficult to be a criminal defense attorney," said Dawn M. Cardi, a former Legal Aid lawyer who represented clients in cases prosecuted by Ms. Sotomayor. "That wasn't her nature or inclination."

But Ms. Cardi, who has become a close friend of Ms. Sotomayor's, said their differences may have solidified their bond.

"I was in many ways bringing to her a different viewpoint, and one that she didn't want to lose," Ms. Cardi said.

In 1985, Ms. Sotomayor was again interviewed by The Times. She sounded somewhat dispirited about the seemingly endless cycle of cases in a city whose crime problems were only worsening.

"After a while, you forget there are decent, law-abiding people in life," she said. "In one of the last cases I had, for gun possession, I thought I recognized the defendant's name. So I looked at his sheet and, sure enough, he was one of the first defendants I had had."

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