

Family seeks closure and justice three years after senseless crime

By Divya Gupta
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A champion to his friends, a loving son and brother to his parents and siblings, a hard act to follow for his girlfriend and a charismatic and inspiring figure to anyone who crossed his path, sounds like someone who was too good to be true or last - and he was.

This is the lasting legacy of 22-year-old, Michael Berrios, whose life was tragically cut short because of an act of violence his family is still trying to make sense of and an elusive crime that the police is still trying to solve.

“He was my first child, my first son,” said the victim’s father, Michael Berrios, Sr. “The pain caused by his loss is something I wouldn’t wish on my worst enemy.”

Berrios was killed on Dec. 12, 2004, in Elmhurst, Queens after at least five men armed with bats and knives chased the victim two blocks before stabbing him in front of 80-37 47th Ave., according to the New York Post.

“What the killers don’t realize is that not only did they murder my son, they murdered our whole family,” said Berrios, Sr.

The unexpected and tragic loss left lasting emotional and psychological scars on the victim’s family and friends. Some relationships turned sour, but others were strengthened. Many turned the pain into positive accomplishments, while others were negatively impacted and their careers were derailed. Some may have received a new lease on life through organ donation and others will never be the same again.

The night of the murder, Berrios and his 19-year-old girlfriend, Catherine Timm, were out with friends and going to a bar called Play, located at 77-17 Queens Blvd., a few blocks away from where the stabbing occurred, said Timm.

The couple never made it into Play because they got into a heated argument that started over something small and soon escalated into a very big fight, she added.



Family members remember Michael Berrios on his third-year death anniversary in a ceremony held at Our Lady Queen of Martyrs in Washington Heights - the neighborhood where Berrios grew up. (Dec. 12, 2007)

Photo: Divya Gupta

The New York Post and the Daily News reports mentioned a possible but inconclusive link between the argument and the killers, who might have been coming to Timm's rescue.

Berrios, Sr., who is a technician for cell sites and drives long hours on his job, said he threw himself into work to cope and was keeping 100-hour-work weeks. He had an accident a year ago which caused severe nerve damage to his left arm, he said, and as a result, he can't use it fully anymore.

"That was a direct result of the trauma caused by Mikey's death," said Berrios, Sr. "My own family got shattered. It made me more distant towards my current wife and caused a big strain in the relationship. I'm probably headed for a divorce."

Lopez was 15 when she had Berrios.

"When I had him, I was a baby myself," she said. "We practically grew up together, laughing and joking around all the time, more like friends rather than mother and son," she added, as her eyes welled up.

Lopez, who went into acute depression and took therapy soon after the incident, said she had lost her father, mother and son in the span of seven years.

"Both the earlier deaths were nothing compared to the pain of Mikey's time," said Lopez. "I am a strong person and can take anything but this was like, why? It was so unnecessary. And he was such a good son."

She stayed locked up in her room for days after the incident, and her family worried that she might take her own life, said Lopez.

It took an emotional plea from her daughter, Jennifer Gonzalez, to finally snap Lopez out of the trance, she added.

"She told me that I needed my mom back," said Lopez. "It sort of clicked then, a light. From then on, I would be very depressed but I would keep it to myself."

Lopez, who still takes therapy occasionally, said she was raised Catholic and lost faith in God for a while.

Jennifer Gonzalez, Berrios's sister, said she had always disliked studying and going to school and her grades suffered as a result. But when her brother passed away, she made a promise to him that she would go back and graduate, said Gonzalez.

"If he was here, he would do the same thing for me," she said. "And so I did and I did it with a belly," added Gonzalez, who was pregnant at the time.

While there were some eventual positive outcomes from the victim's untimely and sudden death, there was at least one set of relationships that was negatively affected – that of the Berrios family members and their son's girlfriend.

Berrios and Timm had been dating for a year and half when the tragedy struck, bringing an abrupt end to their romance, said Timm.

"They had a good relationship," said Gonzalez. "It was loving, and I thought they would be together. But they did used to fight a lot."

Eric Cruz, a friend of Berrios from Borough of Manhattan Community College, where Berrios attended for about two years, said he was present the night they met and witnessed the relationship from the start.

“It was tumultuous,” said Cruz. “They would break up and make up all the time. She was possessive and had a kind of wild personality. She would definitely get very drunk when we went out.”

The night of the murder, Cruz said they all met outside Timm’s sister’s house in Whitestone to head to the bar.

“She was visibly intoxicated,” said Cruz. “Mikey gave me that look like, here we go again.”

Timm said before going into Play, Berrios and her had a disagreement which escalated into a large argument.

“We said things we both didn’t want to say,” said Timm. “I got really upset with him and just wanted to get away from him.”

Timm said she ran to the closest subway station to go home, and as she did, she fell and hurt her head, which caused it to bleed.

Berrios called Cruz, who was at Play and came looking for Berrios, said Cruz. He added that Berrios also called Gabriel Guerra, Timm’s brother-in-law, who was also at Play that night, to retrieve her from the subway.

Right then two men passed us and one of them picked up Timm’s Santa hat that had fallen behind Berrios, added Cruz.

Berrios, who was upset after the spat, snatched it out of his hand saying it was his, which angered the guy, said Cruz.

Cruz succeeded in dealing with the situation, and the two guys eventually walked away calmly, he said.

“I didn’t make anything of the situation or think Mikey was going to be in some kind of danger,” said Cruz, who then went to get the car while Berrios waited for Timm’s sister at the same spot.

Timm came back up from the subway with Guerra and didn’t see Berrios anywhere, she said. They headed to a nearby Chinese restaurant to get napkins for her bleeding head, she added.

While Guerra was inside, Timm suddenly heard voices and saw Berrios being chased by some guys, she said. She ran after them but realized she wasn’t fast enough and soon she saw a guy running back in her direction, she added.

“I caught hold of him and started punching and shaking him,” said Timm. “I asked him where was Mikey. What have you done to him?”

He seemed like he was in shock and was looking over me and not at me, said Timm. He had this puffy hairstyle and some jewelry and wore a loose jacket, she added.

“It all happened so fast,” said Timm. “He then snapped out of it and jerked me off and started running again.”

Timm said she ran toward Berrios and found him leaning against a car in a driveway, with little blood drops sprayed across the lower half of his face.

“He was looking at me,” said Timm. “I told him ‘we’re going to get help.’” When Cruz returned, he said he saw Guerra, on the other side of the street and asked him what happened.

“He said Mikey is down, some guys are chasing him,” said Cruz.

Cruz said he rushed to where Berrios was and by then the cops were already there, and the area was being taped up. He was not allowed to get close to him.

Cruz said the police asked him to get in a spot car to identify any suspects around the area and when he was in the backseat of the car, the cops told him that Berrios had passed away.

“A lot of Mikey’s family was upset we got into a fight,” said Timm.

“I was allowed from seven to seven-thirty in the viewing room when everyone else was not there,” said Timm, referring to the funeral which took place on Dec. 15, 2004, three days after the killing.

“I guess they were trying to protect me and avoid a confrontation with the family members,” she added.

“I was so mad and angry,” said Timm. “I was with him for so long, but you have to respect what the family wants, and Mikey was so big on family.”

Berrios Sr. said he could not bring himself to speak to Timm or see her after the incident.

Timm, who battled her own grief, said she was initially overcome with an acute sense of guilt and felt responsible because she had started the argument.

“Now that I am older and wiser, I realize it wasn’t my fault,” said Timm. “Everybody fights in a relationship but at the time, I felt like dying.”

Timm said she was a vegetable for six months and did not see or speak to anyone. She said she also lost a year of school from 2004 to 2005.

“It changes everything you ever came to know, said Timm, breaking down. “It’s been years, and I still cry. We talked about kids. I thought I was going to get married to him.”

On the positive side, she said the experience made her grow up a lot and her boyfriend’s lasting impression as a person gave her the confidence to pursue her interest in acting.

Three years later, the assailants are still at large and the family continues to desperately seek justice and closure, but neither seems forthcoming.

The case triggered the first ever use of billboard advertising in New York by America’s Most Wanted to catch fugitives. John Leiberman, a correspondent with AMW, said it’s a difficult case because all they have is a sketch of a suspect.

"These days crimes get solved 20 years after the case because of advanced DNA forensics and in the Berrios case I think that is what might help because some blood or material was found on him, I think," said Leiberman. "It'll either be that or a tip from the public. That's how most crimes get solved."

Lopez said she and her family members believe that the assailants might have been illegal.

While she was satisfied with the police investigation of her son's murder, as a mother Lopez wishes cops could do more because there have been no breakthroughs in the case yet, said Lopez.

"If it was me, I would put the whole precinct on it," said Lopez.

Detective Michael O'Brian, who was originally working on the case, no longer works at the 110th Precinct and could not be reached for comment.

Detective Edwin Romero, who was also working on the case initially, said he decided to take a break from working on homicide cases after the Berrios case. He said he was contemplating a career switch as well at the time.

"Then the Berrios case came along and watching the agony of the family just destroyed me inside," said Romero. "I'm a parent myself and I just couldn't do it."

Romero, who said he got close to the family, was also frustrated that they were not getting any results in the case.

Detective Joseph DeFrancis, who is currently investigating the murder, said he could not comment in detail on an ongoing investigation. He added that they have tried many things, including bill boards and TV shows, but have not received any credible tips yet.

DeFrancis said he had traveled to California earlier this year acting on a tip as a result of the bill board advertisement. But it ended up being a case of mistaken identity.

Lopez said she has approached every possible official including Mayor Bloomberg. At the time the incident occurred, city hall had put out a reward of \$10,000, America's Most Wanted contributed \$2,000 and the family brought forward \$8,000.

"His mom is like his soldier here on earth," said Jason Paulino, a friend of Berrios. "That's a love you get only from a mom."

"She is very dedicated to catch the killers," added Paulino, who has a large tattoo of Berrios's first name inscribed on his abdomen. "But the loss of him will never equate to the gain of catching these people."

Angry because her brother's killers have not been caught, Gonzalez said she will be starting college in January 2008 to study criminal justice.

"I want to understand why is it that they have taken so long" said Gonzalez. "Cops tell us, 'let us do our job,' but we feel that as family we have to keep trying as well. It will never stop, never."

Although his own life was cut short, Berrios's death might have helped to give life to others. Shortly after his death, his family donated his organs, including his kidneys, liver and eyes, said Lopez.

“I thought that maybe I could look into someone’s eyes, and I would see his,” said Lopez.

Deans and staff from the schools and colleges Berrios attended, spoke highly of his academic record and overall promise.

“I remember the kid,” said Dean James West of Cardinal Hayes High School, where Berrios attended for four years. “He was college material.”

Although Berrios had started attending Bergen Community College in New Jersey, where his records are sealed, prior to that he attended the Borough of Manhattan Community College.

“The two semesters that Michael had earned grades, he made the Dean’s List,” said Mr. Gregory Wist, who works at the registrar’s office at BMCC. “In order for a full time student to make it to the Dean’s List, he must have a 3.3 or higher GPA.”

“Mikey was going to be somebody,” said Berrios, Sr. “He was driven towards that goal.”

Berrios’s loss was deeply felt by several members of their close-knit family, he added.

Michael Paul, Berrios’s half brother, who has great potential as a basketball player and was offered several scholarships, stopped going to school for a while, said Berrios, Sr.

“He doesn't talk about it at all,” said Berrios Sr. “He doesn't go the cemetery. He kept it inside and now the smallest things set him off.”

“We became more fearful of letting our kids out and started clinging more to them,” said Berrios’s aunt, Marisa Rodriguez Berrios. “You start feeling like if it can happen to Mikey, who was such an exemplary person, it can happen to anyone.”

In Berrios’s honor, the family sponsors a little league soccer team, said Rodriguez.

“It was a way to also heal my little one, Andrew, who was very close to Mikey,” she said.

Incidents like this also change political views and the treatment of certain people, said Rodriguez.

“It made us angry at people who can cross borders without repercussions,” said Rodriguez. “It’s a close-knit community and nobody will say anything but I’m sure someone saw something and won’t talk.”

Berrios, Sr. said he has finally slowed down a bit after his accident but thinks of Berrios every single day.

“Everyone was taken by him, and that's the type of person we lost and the world lost,” he said. “His funeral was overflowing and that's a testament to the person he was.”

Lopez said she has continued to take therapy occasionally, but the holiday season is the hardest time and she consoles herself philosophically.

“The only thing that keeps me sane is that this is a temporary life,” said Lopez, who is still haunted by dreams about her deceased son. “We’ll meet in heaven again soon.”